

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7635 of 2016

1. Vineet Kumar, S/o. Rajendra Prasad Mishra, aged about 28 years, R/o. Dewaspur, Thana – Suriyawan, District – Bhadouhi (U.P.).
2. Pawan Tiwari, S/o. Ashok Tiwari, aged about 32 years, R/o. Bhimsenpur, Thana – Suriyawan, District – Bhadouhi (U.P.).
3. Akshay Mishra, S/o. Rakesh Mishra, aged about 24 years, R/o. Kakrahi Chouban, Thana – Gopiganj, District – Bhadouhi (U.P.).
4. Vijay Singh, S/o. Ramlakhan, aged about 34 years, R/o. Kador, Thana, Suriyawan, District – Bhadouhi (U.P.).

----Applicants

Versus

1. State of Chhattisgarh, Through : Collector/District Magistrate, Korba, District – Korba (C.G.)

---- Respondent

For Applicants	: Mr. Sanjay Patel, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/11/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.279/2016, registered at Police Station – Katghora, District – Korba (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that on 25.09.2016, complainant Fekuram Kaushik went to withdraw money from ATM, the present applicants who were there allowed and insisted him first to withdraw the amount. Thereafter, the complainant inserted the ATM card and try to take out the amount of Rs.1500/- but he could not take out the amount as the screen of the machine got black. Thereafter, the complainant went out from ATM. Subsequently, he received message that Rs.20,000/- has been withdrawn from his account from ATM. Thereafter, immediately, the matter was reported to the police and the applicants were apprehended. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that there is no evidence to connect the applicants in the aforesaid crime and only on the basis of apprehension, the applicants have been inculpated. It is further submitted that charge-sheet in this case has been filed and no further investigation is required and the applicants are in jail since 26.09.2016, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents as also the evidence collected by the prosecution. Considering the nature of evidence collected and further considering the fact that charge-sheet in this case has been filed and the applicants are in jail since 26.09.2016,

this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge