

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7375 of 2015

- Deepak Kumar Mandal @ Deepu S/o Shri Thakur Prasad Mandal Aged About 26 Years R/o Village Murlideeha, Police Station Karmatand, District Jamatada (Jharkhand).

--- Petitioner

Versus

- State of Chhattisgarh Through Police Station Sejbahar, District Raipur Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Ramakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 74/2015 registered at P.S. Sejbahar, Distt. Raipur (C.G) for the offence punishable under Section 420 IPC.
2. Case of prosecution, in brief, is that the applicant made a call to the complainant Rajeshwari Shukla on 03.08.2015 and asked the ATM Card and PIN on the pretext that the number has to be linked with Aadhar card. The same having been disclosed, an amount of Rs.45,075/- was withdrawn from the account of the applicant. Subsequently the report was made and after investigation, the applicant was arrested.
3. Learned counsel for the applicant submits that according to the charge sheet which has been filed, one SIM was recovered from the applicant, however, there is no evidence to show that the same SIM was used which belonged to the applicant and it is only on the presumption, the applicant has

been arrested. Learned counsel for the applicant further submits that on the same date i.e., 03.08.2015, a purchase of Rs.45,075/- was made made at NOIDA by Paytm which do not show that this applicant has made such purchase, therefore, the said purchase cannot be attributed to this applicant. He further submits that the applicant is in jail since 05.11.2015 and he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the case diary and charge sheet. A perusal of the charge sheet and case diary prima facie would show that the call details have been filed, however, the same was recovered. Prama facie whether the call was made by the applicant is not clear, however, it will be subject of evidence before the trial Court.
6. Considering the evidence available in the case diary and the fact that the charge sheet in this case has been filed, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He shall also appear before the trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE