

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5235 of 2016

- Ramakant Kumar S/o Shri Rambadan Ram Aged About 23 Years R/o Village Rajwadih, P.S. Daltonganj, District Palamu (Jharkhand) Presently R/o Sitapur, P.S. Tehsil Sitapur, District Surguja, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, P.S. Sitapur, District Surguja, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Nishi Kant Sinha, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 69 of 2016 registered at P.S. Sitapur, Surguja (C.G) for the offence punishable under Sections 420 & 34 of IPC.
2. As per the prosecution case, on 29.04.2016 complainant Shivnath went to take out money from the ATM, at that time the person standing behind him saw the pin number and helped the complainant to take out the cash from ATM. Subsequently a message was received by the complainant that another sum of Rs.29,000/- was withdrawn from his account thorough the ATM. Thereafter one Saurabh Kumar Giri @ Babu and the present applicant were arrested.
3. Learned counsel for the applicant would submit that the allegation of withdrawing the amount from ATM is on Saurabh Kumar and the only allegation against this applicant is that he had spent the amount alongwith other

co-accused, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and other documents.
6. Considering the nature of allegations and the role played by this applicant and the fact that main allegations are attributed to co-accused Saurabh as also the fact that charge sheet in this case has been filed and looking to the pre-trial detention of the applicant as he is stated to be in jail since 19.05.2016, I am inclined to allow this bail application.
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.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**