

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 767 of 2017

- Shani Mandal S/o Shri Panchu Mandal, Aged About 22 Years R/o Jagadih, Police Station Kairo, District Devghar Jharkhand

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Saragaon, District Janjgir Champa Chhattisgarh

---- **Respondent**

For Applicant : Mr. Abhishek Saraf, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-03-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 26-10-2015 in connection with Crime No. 115 of 2015, registered at Police Station Sarangaon, District Janjgir-Champa (CG) for the offence punishable under Sections 419, 420/34 of the IPC and Sections 66 (D) and 66 (C) /34 of the Information and Technology Act.
2. As per prosecution case, the applicant along with other co-accused called the complainant Rohit Kumar Rathore and enquired about the ATM card and a purchase of Rs.42,300/- was made on line from the account of the complainant. Subsequently, a report was made and on investigation it was found that other co-accused Dhananjay Manda had made the said purchase on line and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed

in this case, he is in jail since 26-10-2015 and no further investigation is required. He would further submit that the case of the present applicant is similar to that of other co-accused namely Dhananjay Mandal, who has been granted bail vide order dated 29-1-2017 passed by this Court in M.Cr.C.No.328 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the case of the applicant is similar to that of other co-accused who has been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 26-10-2015 and further considering the fact that similarly placed co-accused has been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju