

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3277 of 2017

Vikram Kesharvani @ Rahul Kesharvani S/o Guljari Kesharvani Aged About 25 Years R/o Jalvihar Colony Lalbahadur Shastri Ward, Bhatapara, District-Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Khamtarai Police Station District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri B. Madhava Rao, Advocate
For Respondent / State	:	Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

14/06/2017

1. The present applicant is in jail since 14/02/2017 in connection with Crime No.88/2017 registered at police station – Khamtarai, District – Raipur (CG) for the offences punishable under Sections 420/34 of IPC.

2. Prosecution case is that on 02/02/2017, the present applicant and other accused person is said to have gone to the ATM counter of Dena Bank and when the complainant – Chetannath Yogi was using his ATM Card, the present applicant and his accomplice entered into the ATM counter and distracted the complainant on account of which, an incorrect button got clicked which further blocked the transaction. Subsequently, when the complainant came out, the present applicant again entered into the ATM counter and an amount of Rs.10,000/- has been withdrawn which was of complainant's mother whose ATM card was used by the complainant.

3. Learned counsel for the applicant submits that there is a delay in lodging FIR and that CCTV footage alone cannot be made a basis for conviction of the present applicant as the footage does not show that the amount has been

withdrawn by the present applicant from the ATM counter.

4. On the other hand, learned counsel for the State after perusal of the case diary submits that the present applicant has been identified in the test identification parade on 20/02/2017. He further submits that the picture of the present applicant is clearly identifiable in the CCTV footage as he was wearing apparels of security guard of the ATM counter and that the present applicant is also the person who is said to have withdrew the amount, after the complainant – Chetannath Yogi had left the ATM counter.

5. Taking into consideration the totality of facts and circumstances of the case, particularly the fact that the present applicant has been identified in the test identification parade, this Court is of the opinion that it is not a fit case for grant of bail.

6. The bail application is therefore rejected.

Sd/-
(P. Sam Koshy)
V. JUDGE