

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3490 of 2017

Rahul Kumar Chhatri S/o Girdharilal Chhatri, Aged About 24 Years R/o Near Kodu Hotel, Karbala Road, Police Station City Kotwali, Juna Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Shri Arun Kochar, 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complainant came out, the present applicant again entered into the ATM counter and an amount of Rs.10,000/- has been withdrawn which was of complainant's mother whose ATM card was used by the complainant.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. The contention of learned counsel for the applicant is that the present applicant's name has not come in the FIR and the FIR has been lodged against unknown persons. It is submitted that so far as the present applicant is concerned,

the present applicant and the complainant have entered into a compromise and appropriate application has already been moved before the Court below. It is further contented that the present applicant has not been identified in the test identification parade and therefore, the present applicant may be released on bail.

4. On the other hand, learned counsel for the State, after perusal of the case diary, submits that it is a case where the complainant admittedly has not identified the present applicant but so far as the other accused is concerned, he has identified them in the test identification parade. However, State counsel submits that from the custody of the present applicant, Rs.600/- has been recovered and in the memorandum statement of the applicant, he himself admits commission of offence in connivance with the other accused person.

5. Having considered the rival contentions of either side, particularly the fact that the complainant has not identified the present applicant in test identification parade and neither the picture of the present applicant has come in the CCTV footage, this Court is of the opinion that it is a fit case for grant of bail.

6. Accordingly, the bail application filed under Section 439 of CrPC is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Certified copy as per rules.

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