

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4197 of 2017**

- Ajay Kumar Gupta S/o Vijay Prasad Gupta Aged About 34 Years Caste- Rauniyar, R/o Duldula, Tahsil & Police Station- Duldula, District Jashpur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Duldula, District Jashpur, Chhattisgarh.

---- Respondent

For Petitioner
For Respondent /State

Mr. Awadh Tripathi, Advocate
Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

28/11/2017

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.22/2017, registered at Police Station Duldula, District Jashpur (CG) for the offence punishable under Sections 384, 406, 420, 120-B of IPC and Section 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (in short "the Act, 1989").
3. The applicant has allegedly retained the ATM card of one Bhuneshwar Ram and since the year 2015 was regularly withdrawing cash from the said card total amounting to Rs.80-

90,000/- approximately. The applicant took away the ATM card because the victim had obtained loan of Rs.3000/- from him but was not repaying the debt.

4. Learned counsel for the State would oppose the bail application on submission that the applicant is a habitual offender. Learned State Counsel, however, would not point out commission of any serious crime by the applicant on any previous occasion. The cases registered against the applicant are in the nature of offences under Sections 294, 506 & 323 of IPC.
5. Considering the fact that the applicant is in jail since 16.5.2017, all the offences, except the offence under Section 3(1) (r) (s) of the Act, 1989, are triable by the Judicial Magistrate First Class and; the investigation is complete as the charge sheet has already been filed, this Court is inclined to release the applicant on regular bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

7. Certified copy as per rules. Sd/-

Judge

(Prashant Kumar Mishra)