

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3024 of 2017**

- Rajeshwar S/o Somaru Yadav, Aged About 22 Years, R/o Village-Mendra, Police Station & Tahsil- Sonhat, District- Korla, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station- Sonhat, District- Korla, Chhattisgarh.

---- Non-applicant**And****MCRC No. 4320 Of 2017**

- Satyendra Kumar Pandey S/o Shatruhan Prasad Pandey, Aged About 38 Years, R/o Dindayal Colony LIG, 644, Mangla Chowk Bilaspur, Police Station Civil Line Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant**Vs**

- State Of Chhattisgarh Through Station House Officer, Police Station Sonhat, District Korla, Chhattisgarh.

---- Non-applicant**And****MCRC No. 4326 Of 2017**

- Sushant Sharma S/o G.P. Sharma, Aged About 23 Years, R/o Gajanand Prasad, Quarter No.865/2, Tarbahar, Railway Construction Colony, Police Station Tarbahar, District Bilaspur, Chhattisgarh.

---- Applicant**Vs**

- State Of Chhattisgarh Through Police Station Sonhat, District Koriya, Chhattisgarh.

---- Non-applicant**And****MCRC No. 6768 Of 2017**

- Hitendra Sharma S/o Shri Rajkumar Sharma, Aged About 29 Years, R/o L.I.G. 205 Sector, Deendayal Colony, Mangla Chowk, Bilaspur District Bilaspur Chhattisgarh.

---- Applicant**Vs**

- State Of Chhattisgarh Through The Police Station Sonhat, District Koriya Chhattisgarh.

---- Non-applicant

For Applicant :- Shri D.N. Prajapati, Advocate (in MCRC No.3024/2017),

Shri C.R. Sahu, Advocate (in MCRC No.4320/2017),

Shri Ravi Kumar Bhagat, Advocate (in MCRC No.4326/2017),

Shri Vinay Pandey, Advocate (in MCRC No.6768/2017).

For Non-applicant/State :- Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/11/2017

1. As all these four MCRC arise from the same crime number, i.e., Crime No.17/2017 registered at P.S. Sonhat, District Korla, C.G. for the offence 419, 420, 465, 467, 468, 471, 408, 120-B, 34 of the IPC and Section 66(c), (d) of the Information Technology Act, they are being decided by this common order.
2. It is submitted by the learned counsel for the applicants that these are the first bail applications of the applicants under Section 439 of the Cr.P.C. before this Court. The applicants have been falsely implicated in this case. The main accused Dilip Kumar Marko has been benefited with grant of bail by the order dated 14-09-2017 passed in MCRC No.5106/2017 by the coordinate Bench of this Court. As per the allegations against the applicants, they have simply assisted the main accused. Charge sheet has been filed after completion of the investigation. The applicants are in jail since 26-02-2017. Trial of the case is likely to take some time to conclude. Hence, it is prayed that the applicants may be granted regular bail.
3. Learned counsel for the non-applicant/State opposes the applications and the submission made in this respect. It is submitted that looking to the statements of the witnesses, documentary evidence and the memorandum statement of the main accused Dilip Kumar Marko, none of the applicants is entitled

for grant of bail. Hence, all these bail applications may be dismissed.

4. I have heard the learned counsel for the parties and perused the case diary.
5. Facts of the case are that at the instance of main accused Dilip Kumar Marko a fake account was opened in the name of Ashok Rao, for which applicant Satyendra Kumar Pandey impersonated as Ashok Rao, applicant Rajeshwar identified him before the bank authorities. The saving account of complainant Purushottam Nagvanshi was in the same bank, the Central Bank, Branch Sonhat. Accused Dilip Kumar Marko being an employee of the said bank transferred Rs.13,50,000/- from the account of Purushottam Nagvanshi to the fake account of Ashok Rao. Applicants Sushant Sharma and Hitendra Sharma helped in withdrawing the amount from the same account and also used the fake account for making various on-line purchase, hence, the applicants and the main accused Dilip Kumar Marko worked as a team in stealing and misappropriating the property of the complainant.
6. Considered on the submissions made and the contents of the case diary. Looking to the facts that main accused in this case, Dilip Kumar Marko, has been granted bail by the coordinate Bench of this Court, the applicants are in jail since 26-02-2017, trial of the case is likely to take some time before its conclusion, all the applicants are local residents and their appearance before the trial Court can be ensured by imposing conditions and no purpose would be served if the applicants are kept in detention till conclusion of the trial, this Court is of the view that this is a fit case where the applicant should be enlarged on bail.

7. Consequently, all the applications (MCRC No.3024/2017, MCRC No.4320/2017, MCRC No.4326/2017 and MCRC No.6768/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil