

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7132 of 2017

1. Rohit Yadav S/o Sukhdev Yadav, Aged About 36 Years R/o Kharkatta, P. S. And Tahsil Pathalgaon, District Jashpur, Chhattisgarh.
 2. Bhuwneshwar Yadav, S/o Sukhdev Yadav, Aged About 33 Years R/o Kharkatta, P. S. & Tahsil Pathalgaon, District Jashpur, Chhattisgarh.
- Applicants**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Batauli, District Surguja, Chhattisgarh.
- Respondent**

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.12.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.74/2017 registered at Police Station Batauli, Distt. Sarguja (C.G) for the offences punishable u/ss 420/34 of IPC.
2. As per the prosecution case, a report was made by one Kailash Ram that on 29.04.2017 some persons have withdrawn Rs.1,16,000/- from his ATM card and it is alleged that when the complainant has gone to ATM counter to withdraw his money by swiping the card, he could not take money from ATM and the persons present there have told him to assist and at that time, they have changed the ATM Card of complainant. Thereafter he found that the ATM card given to him is not that of his own card and the same belongs to one Simon Bada. Subsequently he found that by

using his ATM card, Rs.1,16,000/- was withdrawn from his bank account.

3. Learned counsel for the applicants would submit that the ATM card has not been seized; only on the basis of CCTV footage, the applicants have been apprehended and even the identification parade is not carried out, therefore, virtually there is no evidence against the present applicants. He further submits that the charge sheet has been filed; no further investigation is necessary and the applicants are in jail since 02.08.2017, therefore, they may be enlarged on bail.
4. On the other hand, learned State Counsel opposes the bail application.
5. Perused the case diary and documents. Prima facie it appears that no identification was carried out.
6. Considering the facts and circumstances of the case particularly the fact the charge sheet has been filed; no further investigation is necessary and the applicants are in jail since 02.08.2018 I am inclined to allow this bail application.
7. Accordingly, this application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**