

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8494 of 2016

1. Shakir Khan . S/o Shri Usman Khan Aged About 25 Years R/o Chandhat, Village Ghaghot, Disstrict Palwal, Haryana.
2. Irshad Khan @ Eklash Khan S/o Shri Mohd. Fazlu @ Dauda Aged About 27 Years R/o Chandhat, Village Ghaghot, Disstrict Palwal, Haryana.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Purani Bhilai, District Durg, Chhattisgarh.

---- **Respondent**

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MCRC No. 8564 of 2016

1. Juber Khan S/o Aas Mohammad, Aged About 22 Years R/o Village Chandhat Gram Ghaghot, District Palwal (Haryana)
2. Sajid Khan S/o Haneef Khan Aged About 25 Years R/o Village Chandhat Gram Ghaghot, District Palwal (Haryana)

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The District Magistrate, Durg District Durg Chhattisgarh

---- **Respondent**

For Applicants : Mr. Pragalbha Sharma, Advocate
in M.Cr.C.No.8494/2016

For Applicants : Mr. Jitendra Gupta, Advocate
in M.Cr.C.No.8564/2016

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate and
Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-01-2017

1. Since both the aforesaid bail petitions arise out of same Crime No. 399 of 2016, they are heard analogously and are being disposed of by this common order.

2. Both the bail applications are filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 30-8-2016 in connection with Crime No. 399 of 2016, registered at Police Station Purani Bhilai, District Durg (CG) for the offence punishable under Section 420, 34 of the IPC.
3. As per prosecution case, on 29-8-2016 a report was made by complainant P.V. Shrinivasa Rao that when he entered into ATM to withdraw money, at that time present applicants intervened and while he was trying to take money, he pressed certain buttons, therefore, he could not get the money. Subsequently, the complainant was suggested by the applicants to go to other ATM to withdraw the money. Thereafter, he came to know that the applicants have withdrawn Rs.10,000/- from his account.
4. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in this case, they have not committed any offence and the complainant has been examined in this case and he has not categorically alleged against the present applicants. It is further submitted that charge-sheet has been filed, the applicants are in jail since 30-8-2016 no further investigation is required, therefore, they may be released on bail.
5. On the other hand, learned State counsel opposes the prayer for grant of bail,.
6. I have heard learned counsel for the parties and have also perused the case diary and the documents.
7. Perused the statement of the complainant wherein no direction allegations have been attributed against the present applicants.
8. Taking into consideration facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statement of the complainant and also the fact that charge-sheet in this

case has been filed and the applicants are in jail since 30-8-2016, I am inclined to release the applicants on bail.

9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed and 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 in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju