

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1771 of 2017

Javed Ali, S/o. Sameer, H. Ali, Aged About 23 Years, R/o. Behind Surya College, Ganjamundapara, Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Incharge Police Chowki Bakawand, Police Station Nagarnar, District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Kumar Dube, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/04/2017

1. This is the second bail 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.171/2014 registered at Police Chowki- Bakawand, Police Station- Nagarnar, District Bastar (C.G.) for the offence punishable under Section 380, 408, 120-B of Indian Penal Code and Section 43(Cha), 66 of Information Technology Act.
2. As per the prosecution case, on 13.07.2014, a report was made by Piyush Soni that from the SBI-ATM situated at Bakawand Rs. 24 Lakhs was taken away. Subsequently, on investigation, it was found that the present applicant who was the employee of Logicash alongwith his brother Irfan who was also an employee of Logicash shared the password and took away the amount of Rs. 24 Lakhs from the ATM.
3. Learned counsel for the applicant would submit that the bail application is filed on the ground that certain metallic foreign body

is existing inside the body of the applicant as per the documents and the applicant could not be treated in a Government Hospital, therefore, the applicant may be released on bail so as to get himself treated in a higher center in other State.

4. Learned State counsel is unable to dispute the fact and despite the earlier order to call for the medical report, the medical report has not been filed.
5. Perused the documents filed along-with the bail application, which shows that certain metallic foreign body/pin is existing inside the applicant's body for which he is being treated in the different Hospital. Taking into such facts, I am inclined to release the applicant on bail for a short period of time for his treatment.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed for a specific period and it is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for a period of **two months** from the date of release. The applicant shall surrender before the trial Court immediately after the period comes to an end with all the medical documents of the treatment availed by him.

Certified copy, as per rules.

Sd/-
(**Goutam Bhaduri**)
Judge