

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 566 of 2018

Shahnawaz, S/o. Hanif Sorathiya, Aged About 28 Years, R/o. Qtr.No. 02,
Building No. 195, P.S. Paiduni, District Mumbai (Maharashtra)

---- **Applicant**

Versus

State Of Chhattisgarh, Through The Police Station Modahapara, Raipur,
District Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. N. Naha Roy, Advocate

For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.03.2018

1. This is the first 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.203/2017 registered at Police Station- Modahapara, Raipur, District Raipur (C.G.) for the offence punishable under Sections 380, 420, 511, 468, 471, 34 of Indian Penal Code and Section 3 of the Lok Sampatti Kshati Niwaran Adhiniyam.
2. Case of the prosecution, in brief, is that a report was made by one Pawan Kumar, Branch Manager, Punjab National Bank, Tatiyapara that while checking the ATM machine, he found certain objectionable items. After checking the CCTV footage, it was found that someone has installed camera & scanner in the ATM, which reads the ATM card of a person who wants to withdrawn the amount. Subsequently, one of the accused namely Mahbar was arrested and the investigation would reveal that the present applicant alongwith other co-accused has installed the camera & scanner machine to read the ATM card so as to withdraw the money.

3. Learned counsel for the applicant submits that the applicant was arrested and nothing was recovered from him except the mobile and he was found to be outside the ATM, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the Branch Manager, who gone through the CCTV footage and further taking into nature of the allegation that the present applicant alongwith other co-accused tried to install the camera & scanner in the ATM so as to take out the money, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge