

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 91 of 2018**

Ashwani Sahu S/o Shri Shankar Lal Sahu, Aged About 45 Years R/o Village Duda, Mana, Police Station Mujgahan, Tahsil And District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Mujgahan, District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Ms. Nand Kumari Kashyap, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.03.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.212 of 2017, registered at Police Station – Mujgahan, District - Raipur, Chhattisgarh for the offence punishable under Section 420/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.10.2017 and he has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The applicant had no criminal antecedents. It is submitted that the applicant had withdrawn the amount from the account of the complainant and others under the authority given by them, hence, no case is made out against the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the seizure has been made of ATM Card and blank cheques given by complainant – Budhan which was misused by this applicant and the co-accused from his account. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Complainant – Budhan and his brothers received an award of compensation of Rs.72,00,000/- because of land acquisition. The applicant and the co-accused person had helped the complainant and others for opening a bank account and it was at that time the applicant and the co-accused person kept in their possession the ATM card issued and also some blank cheques signed by complainant – Budhan. Later on, the ATM card and blank cheques were misused by filling them for withdrawing an amount of Rs.11,02,000/- from the account of the complainant and others in a fraudulent manner. Complainant – Budhan has lodged an FIR. Hence, this case.

6. Considering presently the case before the trial Court and the case is triable by the Judicial Magistrate First Class, the applicant is a local resident of District Raipur, there shall be no difficulty in his availability during trial and the trial of the case is likely to take some time for its final disposal, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his 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 his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge