

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 471 of 2018**

Manjoor Alam, S/o. Jumman Miya, Aged About 43 Years, R/o. Village Jeruva,
P.S. Narayanpur, District- Jamwada (Jharkhand).

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
-Magarlod, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For State/respondent : Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/03/2018**

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.94/2017, registered at Police Station – Magarlod, District – Dhamtari (C.G.), for the offence punishable under Section 419, 420/34 of the Indian Penal Code and Section 66 (घ)/34 of I.T. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 13.08.2017. Presently the case is pending before the Court of Judicial Magistrate First Class- Kurud and during the pendency of the trial, compromise has been entered between the applicant and

complainant in this case. Certified copy of the documents compromise application, statement given by the complainant and Ekrarnama original and also order-sheet of the concerned trial Court have been produced. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant is resident of Jharkhand and growth is seen in commission of this type of crime in which innocent person are getting victimized, hence, applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant impersonated as Bank Officer and made a call to the complainant -Dulari Bai that her ATM card has been blocked then he obtained all the details including the password of her ATM card and a sum of Rs.1,36,771/- has been withdrawn from her bank account. Hence this case.
6. Considered on the submission made and the contents of the case diary. On perusal of the documents produced, it appears that a compromise has been drawn between the applicant and the complainant and complainant has received more than the amount withdrawn from her bank account. Looking to the fact that no criminal antecedent of this applicant has been produced by the State counsel, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram