

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7680 of 2017**

1. Rohit Yadav, S/o. Sukhdev Yadav, Aged About 36 Years, Occupation -Labourer.
2. Bhuneshwar Yadav, S/o. Sukhdev Yadav, Aged About 33 Years, Occupation Labourer,
R/o Village -Kharkatta, Police Station and Tahsil Pathalgaon, District Jashpur Chhattisgarh, District : Jashpur.

---- Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station-Batauli, District Surguja, Chhattisgarh.

---- Respondent

For Applicants : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/02/2018**

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 applicants, who have been arrested in connection with Crime No.72/2017, registered at Police Station – Batauli, District – Surguja (C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in

jail since 01.08.2017, no case is made out against them on the basis of the material present in the case diary, charge-sheet has been filed after completion of investigation, applicants are local residents and ready ready to abide by all the conditions imposed while releasing them on bail. Therefore, it is prayed that applicants 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 there are two other cases registered against the applicants, which are of similar in nature regarding offence of cheating, hence, it shows that the applicants are habitual offender and are not entitled for grant of regular bail.
4. In reply, learned counsel for the applicants submits that in both the cases, the applicants are on bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The prosecution case in brief is that complainant Gurubaru Sai lodged FIR in Police Station – Batauli, District Sarguja stating in it that on the date of incident, when he had been to ATM to withdraw money, some unknown persons exchanged his ATM card and withdraw Rs.68,500/- from the account of the complainant. FIR was lodged against unknown accused persons. Later on applicants were apprehended on the basis of CCTV footage of the ATM counter.
7. Considered the submissions made and the contents of the case diary. No TIP has been conducted in the investigation and no further recovery of ATM card of the complainant has been made from these

applicants. Taking into consideration the entire material present in the case diary, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each 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/-
(Rajendra Chandra Singh Samant)
Judge