

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7266 of 2017**

1. Rohit Yadav, S/o. Sukhdev Yadav, Aged About 36 Years, Occupation Labour,
2. Bhuneshwar Yadav, S/o. Sukhdev Yadav, Aged About 33 Years, Occupation -Labour,

Both R/o. Village Kharkatta, Police Station & Tahsil – Pathalgaon, District -Jashpur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : S.H.O. Police Station : Batauli District Surguja Chhattisgarh.

---- Respondent

For Applicants	: Mrs. Indira Tripathi, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/01/2018**

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.73/2017, 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. On the basis of

the material placed in the charge-sheet, no case is made out against the applicants, applicants are local residents and ready to abide by all the conditions imposed while granting bail, hence, prayed that the applicants be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that the applicants have previous antecedents of similar cases, hence, they are not entitled to be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The facts of the case is that complainant Harihar Ram Yadav has lodged a FIR stating in that that some persons present in the ATM on the pretext of helping him to withdraw amount from the ATM machine, secretly exchanged the card and thereafter used the card of the complainant to withdraw Rs.19,900/-. On the basis of CCTV footage, the applicants have been arrested and charge-sheet has been filed after completion of investigation.
6. Considered on the submissions made and the contents of the case diary. The original ATM card has not been seized. The only evidence against the applicant is CCTV footage. Taking into consideration these facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram