

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3368 of 2018

1. Sandeep Kumar S/o Shri Gaje Singh, Aged About 28 Years, R/o Barwala Pasa Colony, Tahsil Barwala, Police Station Barwala, District Hisar Hariyana, District : Hisar, Haryana
2. Praveen Kumar S/o Shri Gaje Singh, Aged About 24 Years, R/o Barwala Pasa Colony, Tahsil Barwala, Police Station Barwala, District Hisar Hariyana, District : Hisar, Haryana
3. Surajmal S/o Teluram, Aged About 40 Years, R/o Barwala Pasa Colony, Tahsil Barwala, Police Station Barwala, District Hisar Hariyana, District : Hisar, Haryana
4. Randheer Singh S/o Shri Gyan Singh, Aged About 45 Years, R/o Jarvoli Maya, Police Station Titargarh, District Kaithal Hariyana, District : Kaithal, Haryana

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Keshkal, District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh

----Non-applicant

For Applicants – Shri Goutam Khetrapal, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 23-12-2017 in connection with Crime No.145/2017 registered at P.S. - Keshkal, District Kondagaon, Chhattisgarh for the offence under Section 420 read with Section 34 of the IPC and Section 68-B, C, D of the Information Technology Act, 2000.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 23-12-2017. Charge sheet has been filed and the case is pending for trial before the trial Court. It is submitted that the applicants in this case have compromised with the complainant, although their application for composition of the offence has not

been allowed by the trial Court and aggrieved by that order the applicants have filed a petition under Section 482 of the Cr.P.C. before this Court which is pending. Hence, it is prayed that the applicants may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that these applicants are habitual offenders who have committed similar offence and four other cases have been registered against them for offence of similar nature. These applicants are engaged in commission of crime affecting public at large, hence, they are not entitled for grant of bail.

4. In reply, learned counsel for the applicants submits that in all the remaining cases the applicants have compromised with the complainants and they have been acquitted by the concerned courts. Additional documents have been filed in this respect.

5. Heard learned counsel for the parties and perused the case diary.

6. The prosecution story is this, that complainant Jagdish was present in ATM in Keshkal for withdrawing money. As he could not operate the machine the applicants present there helped him to withdraw the money. Later on, Rs.78,000/- was withdrawn from the account of this complainant. Hence, he lodged the FIR. During investigation it was found that these applicants had made withdrawal from the account of the complainant through electronic fraud.

7. Considered on the material present in the case diary. Although there are allegations of commission of offences of similar nature against these applicants, but, looking to the submission made that all the other offences have been compromised with the complainants and in only one case the concerned trial Court has not allowed the application for compromise of the applicants and that order has been challenged before the superior Court, I feel inclined to grant regular bail to these applicants.

8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge