

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4744 of 2018**

Vikas Shukla S/o Shri Rajesh Shukla Aged About 19 Years R/o Village Bighiya, Police Station Handiya, District Allahabad, Uttar Pradesh, District : Allahabad, Uttar Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Chirmiri, District- Koriya, Chhattisgarh.

---- Non-applicant

For the Applicant	:	Shri Manish Nigam, Advocate
For the State	:	Shri Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30/07/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 55/2018 registered at Police Station Chirmiri, District Korea (C.G.) for the offence punishable under Section 420/34 of IPC.
3. In brief, the prosecution story is that complainant Shrawan Tamrakar is the resident of Haldibadi Chirmiri. On 26/02/018 he had gone to ATM booth for generating pin of ATM card. In the garb of help, applicant and some other 4-5 persons used the ATM card of the complainant and withdrew amount of Rs.21,000/- fraudulently from the account of the complainant.
4. Learned counsel for the applicant submits that applicant is innocent

and falsely implicated in the present case and the applicant is in custody since 27/02/2018, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. One coaccused namely Ramjanam Yadav has been enlarged on bail by this Court on 26.06.2018.
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence, offence is triable by JMFC, charge-sheet has been filed and the trial will take its own time, applicant is in jail since 27/02/2018, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs. 20,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge