

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5209 of 2018**

Rakesh Kumar, son of Tapeswar Prasad Yadav, aged about 23 years,
R/o Village Tetariay, P.S. Meshkaur, District Nawada (Bihar).

---- Applicant**Versus**

State of Chhattisgarh, through P.S. Kotwali Ambikapur, District Surguja
(CG).

---- Non-applicant

For Applicant : Mr. S.S. Baghel, Advocate.

For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.148/2016 registered at Police Station Kotwali, District Surguja (Ambikapur) for the offence punishable under Sections 420, 467, 468, 471 of IPC.
3. Case of the prosecution, in brief is that the complainant Aarti Kushwaha is a resident of village Kedarpur, District Ambikapur. On 04.03.2016 the said complainant had gone to ATM Booth to withdraw cash from her ATM card. At that time one unknown person in the garb of extending help of the complainant changed her ATM card and gave her another card. That person has withdrawn Rs.50,000/- cash through her ATM card and Rs.30,000/- has transferred in the account of one Sanjay

Singh, which was forged account. During the investigation, it was found that person was the applicant.

4. Counsel for the applicant argued that no identification was conducted of the applicant and nothing was seized from the possession of the applicant. He further submitted that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case and, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposed the prayer for grant of bail to the applicant. He submitted that one case under Section 420 of IPC has already been registered against the applicant in Jharkhand at Ranchi.
6. At this stage, counsel for the applicant pointed out that the applicant has already enlarged in the said case.
7. I have heard counsel for the parties and perused the case diary with utmost circumspection.
8. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs. 30,000/- along with one personal bond of Rs.60,000/- to the satisfaction of the concerned Trial Court with this condition that will not involve himself in any of the crime in future, he be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-