

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5308 of 2018**

Ramjanam Yadav S/o Dayaram Yadav Aged About 22 Years By Caste Yadav, R/o Village Byur, Police Station And Tahsil Handiya District Allahabad U. P.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Manendragarh District Korea Chhattisgarh.

For the Applicant	:	Shri S.B. Pandey, Advocate
For the State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**10/10/2018**

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 counsel for the State in connection with the Crime No.70/2018 registered at Police Station Manendragarh, District Koriya (C.G.) for the offence punishable under Sections 420/34 of IPC.
3. Case of the prosecution, in brief is that on 26/02/2018 complainant Anita Rajwade had gone to the withdraw the amount through ATM at PWD Tiraha, Manendragarh. Applicant and other accused persons entered in the ATM Booth and in the garb of help they used the ATM Card of the complainant and fraudulently withdrawn Rs. 10,000/- from the account of complainant.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail

application. He further submits that two other criminal cases have already registered against the applicant under Section 420/34 of IPC.

6. Looking to the fact and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- along with a personal bond of Rs. 50,000/- 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 also directed that he shall not involved in any crime in future, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde