

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5423 of 2018**

1. Mohammad Rizwan Ansari S/o Maqsood Ansari Aged About 32 Years R/o Algchuwa, Post Sheetalpur, P. S. Karmatand District Jamtada Jharkhand
2. Mohammad Israiel S/o Ali Mohammad Ansari Aged About 36 Years R/o Amartand, Post Sheetalpur, P. S. Karmatand District Jamtada Jharkhand

---- Applicants**Versus**

State of Chhattisgarh Through The Station House Officer, Police Station Sarkanda District Bilaspur CG

---- Respondent

For applicant	Mr. Raghvendra Pradhan, Adv.
For Respondent/State	Mr. Satish Gupta, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****9-10-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. The applicants have been arrested in connection with Crime No. 489/2017 registered in police station Sarkanda, Distt. Bilaspur (CG) for offence punishable under Section 417, 420/34 of the IPC.
3. Prosecution story in brief is that on 15-7-2017 the complainant Ishwar Prasad received a phone call in his mobile phone from Mobile No. 7631822508. The Caller told the complainant that he is from SBI, Mumbai, complainant's ATM card has been blocked. On the pretext of unlocking his ATM card, he obtained confidential information of the ATM card of the complainant. Thereafter Rs. 48,000/- was transferred from the account of the complainant.
4. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they be released on bail.

5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. He further submits that apart from present one, 6 other criminal cases of the same nature have also been registered against the applicants.
6. Prima facie, there is no such evidence that mobile No. 7631822508 belongs to the the present applicants. In the case in hand, there is no memorandum and no seizure. The offence is triable by JMFC.
7. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to tamper the evidence, trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the application is allowed. It is ordered that if each of the applicants furnishes two solvent sureties for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that they will not involve themselves in any crime in future and they will appear before the concerned trial Court at 11 AM as and when directed till trial, they be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge