

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5473 of 2018

- Mohammad Rizwan Ansari & Anr. S/o Maqsood Ansari Aged About 32 Years R/o- Alagchuwa, Post Sheetalpur, P.S. Karmatand, District- Jamtada (Jharkhand)
- Mohammad Israiel S/o Ali Mohammad Ansari Aged About 36 Years R/o- Amratand, Post Sheetalpur, P.S. Karmatand, District- Jamtada (Jharkhand)

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Sarkanda, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Shri Raghvendra Pradhan, Advocate.
For Respondent/State	: Shri N.K. Sharma, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/08/2018

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 636/2017, registered at Police Station Sarkanda, District Bilaspur (C.G.) for the offence punishable under Section 417, 420/34 of the IPC.
2. As per the prosecution story, on 04-09-2017 at about 11:30 AM complainant Shivcharan received a mobile call on his mobile from mobile No. 7368849723, caller has told him that he is a Manager of Allahabad Bank thereafter he obtained pin No. of ATM card and details of Aadhar from the complainant. Thereafter at about 12 PM, Rs. 20,000/- was withdrawn from his account. On the basis of above police has registered the offence and during the course of investigation on the basis of memorandum statements of the applicants, Rs. 50,000/- has been recovered from applicant No. 1

Mohammad Rizwan and Rs. 75,000/- has been recovered from applicant No. 2 Mohammad Israiel, they have been arrested on 23-06-2018.

3. Shri Raghvendra Pradhan, learned counsel appearing on behalf of the Applicants submits that applicants are innocent and they have been falsely implicated in the present case, in fact when both the applicants were going to Kolkata by train by making a false case against the applicants they have been arrested by the Police. He further submits that applicants are in custody since 23.06.2018, charge-sheet has already been filed and trial will likely to take some time, therefore, applicants may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicants are in custody since 23-06-2018, offence is triable by JMFC and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 1,00,000/- with two local sureties each of Rs. 50,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge