

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.5894 of 2018**

Vijay Dey, son of Anil Dey, aged about 26 years, R/o Village Sagarpur (wrongly mentioned as Saragpur in the order sheet), District Balrampur Ramanujganj.

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Chando, District Balrampur Ramanujganj (CG).

---- Non-applicant

For Applicant : Mr. V.K. Pandey, Advocate.

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.15/2018 registered in Police Station Chando, District Balrampur Ramanujganj for the offence punishable under Sections 419 & 420/34 of IPC and Section 66 (५) of Information of Technology Act, 2000.
3. Prosecution story in brief is that on 18.04.2018 four unknown persons reached in village Bairdih. They asked to the beneficiaries that they have come for the inspection of the houses constructed in the Pradhan Mantri Awas Yojna. They have come with biometric machine and taken photocopies of the Adharcards of the beneficiaries and their thumb impression also taken by them and, thereafter, beneficiaries knew that some amount has been withdrawn from their accounts. They have cheated 12 beneficiaries.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on

bail.

5. Counsel for the State submitted that one criminal case under Section 420 of IPC has already been registered against the applicant hence he is not entitled for grant of bail.

6. I have heard counsel for the parties and perused the case diary with utmost circumspection.

7. On the memorandum of the applicant, Rs.12,000/- has been seized from the possession of the applicant.

8. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant.

9. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.

10. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial 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 co-operate during the trial, he shall be released on bail.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-