

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5754 of 2018

Sushil Sarkar, Aged about 2 years, S/o Sukmal Sarkar R/o- Village- Sagarpur, Police Chouki- Ganesh Mod Police Station- Balrampur, District- Balrampur-Ramanujganj (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- Police Chouki- GaneshMod, Police Station- Balrampur, District- Balrampur-Ramanujganj (C.G.)

---- Respondent

AND

MCRC No. 5816 of 2018

1. Manoj Das S/o Chintaharan Das, aged about 24 years, R/o Village- Sagarpur, Chouki- Ganeshmod, P.S.- Balrampur, District- Balrampur-Ramanujganj (C.G.).
2. Deepak Das S/o Ravi Das, aged about 22 years R/o Village- Kishnanagar, Chouki- Ganeshmod, P.s.- Balrampur, District- Balrampur-Ramanujganj (C.G.).

--- Applicants

Versus

State of Chhattisgarh, Through- Police Chouki- GaneshMod, Police Station- Balrampur, District- Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant (in MCRC 5754/2018) :	Mr. Pawan Shrivastava, Advocate
For Applicants (in MCRC 5816/2018):	Mr. A.K. Yadav, Advocate
For Respondent :	Mr. Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

06/09/2018

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.

2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 89/2018 registered at Police Station- Balrampur (C.G.) for the offence punishable under Sections 420 and 419/34 of the IPC & Section 66 (अ) of the Information Technology Act.
3. As per prosecution story, complainants who had received some amounts under Prime Minister Awas Yojana, deposited the same in their bank accounts. It is alleged that two unknown person came at the home of the beneficiaries and took thumb impression of them on money transferring machine and transferred the money from their account to one absconded accused- Pradeep Sandilya. The matter was reported by the complainants on 21/04/2018. On the basis of the said report, FIR was lodged and the offence was registered against two unknown persons. It is alleged that all the applicants after obtaining the names and details of the beneficiaries committed the said offence.
4. Counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the present case. There is nothing on the record on the basis of which any offence is made out against any of the applicants. The main accused is Pradeep Sandilya who has absconded. Applicants- Manoj Das and Deepak Das are in custody since 16/05/2018 and applicant- Sushil is in custody since 15/05/22018. Charge-sheet has been filed. There is no known criminal antecedent against the present applicants, therefore, they may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes

the bail applications.

6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, particularly considering that the main accused is Pradeep Sandilya who has absconded, charge-sheet has been filed, applicants- Manoj Das and Deepak Das are in custody since 16/05/2018 and applicant- Sushil is in custody since 15/05/2018, and the trial will likely to take some time to conclude, without further commenting on merit of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs.20000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-

Judge
Arvind Singh Chandel

Rahul