

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.6005 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.
2. Deepak Das, S/o Ravi Das, aged about 22 years, R/o Village Kishnanagar, Chouki Ganeshmod, P.S. Balrampur, District Balrampur Ramanujganj.

---- Applicants**Versus**

State of Chhattisgarh, through Station In-charge Chando, District Balrampur Ramanujganj (CG).

---- Non-applicant

For Applicant : Mr. A.K. Yadav, 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 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.15/2018 registered in Police Station Chando, District Balrampur Ramanujganj for the offence punishable under Sections 419 & 420 of IPC and Section 66 (ॡ) 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and their thumb impression also taken by them and, thereafter, beneficiaries knew that some amount has been withdrawn from their accounts.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 applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they 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 applicants hence they are 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 No.1-Manoj Das, Rs.10,000/- has been seized from him and on the memorandum of the Applicant No.2-Deepak Das, Rs.5,000/- has been seized from him.
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 applicants.
9. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.
10. It is directed that if the applicants 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 they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-