

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6528 of 2018**

Brijesh @ Lav Yadav S/o Shri Krishna Yadav, aged about 21 years R/o Village- Sundari Post Chakodihra Police Station Bhagwanpun, District- Kaimur Bhamuwa at present R/o Takpuri Utai PS Utai Tahsil & Distt. Durg (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, Through Police Station- City Kotwali, Distt. Mungeli (C.G.).

---- Respondent

For Applicant	:	Mr. Dheerendra Pandey, Advocate
For Respondent	:	Mr. Bhaskar Payashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**30/10/2018**

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 574/2017 registered at Police Station- City Kotwali, Distt. Mungeli (C.G.) for the offence punishable under Section 420, 34 of the IPC
2. As per prosecution story, on 11/10/2017 complainant- Pramod Kumar lodged a report in the police station stating therein that on 05/10/2017, he went for withdrawal of amount from one ATM. When he was trying to withdraw Rs. 19500/-, at that time, two unknown persons were standing near him and the complainant could not withdraw the amount.

During that period, one person told him to again insert the card and pin number in the machine and the complainant did so. In the meantime, they exchanged the card fraudulently. After half an hour, the complainant received an SMS on his mobile that Rs. 19000/- and Rs. 1500/- have been withdrawn from his account. On 10/10/2017, the complainant came to know that the said persons, who withdrew the said amount from his account, have been caught by the Crime Branch, Bilaspur. He visited there on 11/10/2017 and identified both the persons. Thereafter, he made a written complaint. On the basis of the said report, offence has been registered and the applicant has been arrested on 27/12/2017.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated. He is in custody since 27/12/2017 and the trial will take much time, therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in custody since 27/12/2017 and the trial will likely to take some time, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like

amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge

Rahul