

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6240 of 2018**

1. Naveen Singh S/o Kamlesh Singh Aged About 25 Years
2. Pushpraj Singh S/o Late Avdhesh Singh Aged About 26 Years

Both are R/o- Bigahiya, Police Station Hadiya, District- Allahabad (U.P.).

---- Applicants

Versus

State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Manendragarh, District- Korea, Chhattisgarh.

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|-------------------|---|-----------------------------------|
| For the Applicant | : | Shri Anil Gulati, Advocate        |
| For the State     | : | Shri Satish Gupta, Govt. Advocate |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****10/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.70/2018 registered at Police Station Manendragarh, District Koriya (C.G.) for the offence punishable under Sections 420/34 of IPC.
3. Case of the prosecution, in brief is that on 26/02/2018 complainant Anita Rajwade had gone to the withdraw the amount through ATM at PWD Tiraha, Manendragarh. Applicants and other accused persons entered in the ATM Booth and in the garb of help they used the ATM Card of the complainant and fraudulently withdrawn Rs. 10,000/- from the account of complainant.
4. Learned counsel for the applicants submits that applicants are innocent and falsely implicated in the present case, therefore, they shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He further submits that two other criminal cases have already registered against the applicants under Section 420/34 of IPC.
6. Looking to the fact and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicants.
7. It is directed that if the applicants furnishes two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs. 50,000/- each to the satisfaction of the concerned 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 cooperate during the trial. They also directed that they shall not involved in any crime in future, they shall be released on bail.
8. Certified copy as per rules.

Sd/-  
**(Sharad Kumar Gupta)**  
Judge