

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.6530 of 2018**

Beenu Prasad Saket, son of Shri Janki Das Saket, aged about 28 years, Occupation Labourer, resident of Police Station and Tahsil Naigarhi, District Reewa (MP).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, P.S. D.D. Nagar, Raipur, Civil and Revenue District Raipur (CG).

---- Non-applicant

For Applicant : Mr. Pushpendra Kumar Patel, Advocate.

For Non-applicant : Mr. Neeraj Kumar Sharma Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****23.10.2018**

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.62/2009 registered in Police Station D.D. Nagar, Raipur, Civil and Revenue District Raipur for the offence punishable under Sections 420 & 418 of Indian Penal Code.
3. Prosecution story in brief is that the present applicant was working as a Security Guard at ATM of SBI, Sunder Nagar. On 18.01.2009 the complainant Smt. Radhika Thapa went to withdraw some amount from ATM of SBI, Sunder Nagar. She had a ATM of her husband namely Rang Bahadur Thapa, while withdrawing some amount from ATM at that time applicant changed her ATM card. Thereafter, complainant Rang Bahadur Thapa knew that his account has become nil. The present applicant had withdrawn an amount of Rs.93,100/- from the complainant's account by using his ATM card.
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 opposed the prayer for grant of bail to the applicant.

6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. 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.
8. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.
9. 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-