

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6885 of 2018**

Kamlesh Sinha S/o Late Salik Ram Sinha Aged About 42 Years R/o
Village Gokulpur Ward Dhamtari Tahsil And District Dhamtari CG

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer Police Station
Arjuni District Dhamtari CG

---- Respondent

MCRC No. 7163 of 2018

Anuj S/o Late Shri Gulal Aged About 45 Years R/o Piparchhedi, Police
Station- Arjuni, Tahsil District- Dhamtari, CG

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Arjuni, District- Dhamtari, CG

---- Respondent

For applicant Kamlesh Sinha
For applicant Anuj
For Respondent/State

Mr. J.K. Saxena, Adv.
Mr. Rajbahadur Singh, Adv.
Mr. Satish Gupta, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24-10-2018**

1. As both the above bail applications arise out of the same crime number of same police station, they are disposed of by this common order.
2. 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.
3. The applicants have been arrested in connection with Crime No. 200/2018 registered in police station Arjuni, Distt. Dhamtari (CG) for offence punishable under Section 420/34 of the IPC.
4. Prosecution story in brief is that complainant Tarachand is resident of village Kandel. Applicants and co-accused Mohit who were posted in Customer Care Centre, SBI, Kandel, got filled withdrawal form from the complainant. Thereafter they withdrew Rs. 3,61,992/- from the account of the complainant.
5. Counsel for the applicants argued that the applicants are innocent

and falsely implicated hence they be released on bail.

6. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However, he submits that no criminal antecedent of the applicants is reported in the police case diary.
7. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the applications are allowed. It is ordered that if each applicant furnishes two solvent sureties for a sum of Rs. 50,000/- each along with one personal bond of Rs. 1 lac, to the satisfaction of the trial Court concerned with the condition that they will appear before the concerned trial Court at 11 AM as and when directed till trial, and will not commit any offence in future, they be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge