

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4550 of 2017**

- Shivanshu Dwivedi @ Mona S/o Mahesh Narayan Dwivedi, Aged About 27 Years, R/o 37/163, Kaila Colony, Dhoulpur, Police Station, Tahsil And District- Dhoulpur, Rajasthan
- Dev Kushwaha, S/o Nathuram Kushwaha, Aged About 26 Years R/o Near S.H.R. School, Om Nagar, Road, Firozabad, Uttar-Pradesh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Kurud , District- Dhamtari, Chhattisgarh

**---- Non-applicant**

---

For Applicants – Shri Shailendra Dubey, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**10-01-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for regular bail. The applicants have been arrested on 28-03-2017 in connection with Crime No.57/2017 registered at P.S. Kurud , District- Dhamtari, C.G. for the offence under Section 420/34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants are in jail since 28-03-2017. The complainant in this case has compromised the case with both the applicants and the amount that was withdrawn from the ATM, from the account of the complainant has been refunded to him. Although the application for compounding the offences moved before the trial Court, has not been allowed. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the applicants are habitual offenders and they have similar offence registered in the State of Maharashtra. Hence, they are not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. Case against the applicants is this, that both the applicants by fraud obtained the ATM card of complainant Deenaram Sahu and used the same for making purchase of various articles of worth Rs.89,000/- on various occasions.
6. Considered on the submissions made and contents of the case diary.
7. Considering the fact that the complainant has compromised with the applicants, I am of this view that this is a fit case where the applicants should be granted regular bail.
8. Consequently, the application (MCRC No.4550/2017) filed under Section 439 of the Cr.P.C. by the applicants is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**