

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6770 of 2018**

Rahul Ram, S/o Shri Sant Ram, aged about 25 years, resident of Ara Dungal, Near Durga Temple, Jyotsna Apartment, Asansol, Police Station Asansol, District West Vardman, West Bengal.

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Basna, District Mahasamund (CG).

---- Non-applicant

For Applicant : Mr. Ravi Kumar Bhagat, Advocate.

For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.144/2016 registered at Police Station Basna, District Mahasamund for the offence punishable under Section 420 of IPC and Section 66 C and D of Information of Technology Act.
3. Case of the prosecution, in brief is that on 10.06.2018 complainant Bholasingh Sidar received a telephonic call in his mobile by Mobile No.7550961067. The caller told him that his ATM card has become old in lieu of that he may get new ATM Card. The caller obtained the secret information from him regarding his old ATM Card and, thereafter, Rs.25,000/- has been withdrawn from the account of the complainant and Rs.9,500/- was deposited in the account of the present applicant. As

per photocopy of the affidavit of complainant (Annexure A/3), the complainant and applicant has entered into compromise. The complainant has received Rs.25,000/- from the family members of the applicant. Government Advocate submitted that he has verified this fact from the complainant, who is present in the Court.

4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent is reported against the applicant in police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. Offences are triable by JMFC.
8. Looking to the above mentioned 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 benefit of Section 439 of the Cr.P.C. to the applicant.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum 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.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-