

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7063 of 2018**

Sashidas, S/o Gokul Das, aged about 30 years, R/o Village Dumdumi, P.S. Chitra, District (Jharkhand).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, Durg (CG).

---- Non-applicant

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For Non-applicant : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26.10.2018**

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.312/2017 registered in Police Station Khurseepar, District Durg for the offence punishable under Sections 420 & 419 of IPC and Section 66 D of IT Act.
3. Prosecution story in brief is that the complainant Rajendra Dewangan is a resident of Ward No.29 Bapunagar, Bhilai. On 27.05.2017, he received one telephonic call in his mobile. Caller told him that he is a Bank employee and his ATM is going to block. He obtained secret informations of complainant's ATM number and account number from him and after obtaining all informations from the complainant, he withdrew an amount of Rs.13,300/- from the complainant's account.
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. He further submitted 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. As per enclosed photo-copy of statement of the complainant recorded by the Trial Court, he turned hostile.
9. 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.
10. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.
11. 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.
12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-