

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6270 of 2017**

Ramesh Rajak S/o Purushottam Rajak, Aged About 26 Years R/o Village Ranjitpur, Police Station & Tahsil Sahaspur Lohara, District Kabirdham Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Sahaspur Lohara, District Kabirdham Chhattisgarh.

---- Respondent

For the Applicant : Shri Neeraj Pradhan, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.01.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 195 of 2017, registered at Police Station Sahaspur Lohara, District Kabirdham, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 26.08.2017 and he has been falsely implicated in this case. As alleged the applicant has cheated complainant – Kishan Pali by withdrawing Rs.20,000/- from his account, subsequent to that, the applicant has deposited the amount withdrawn in the account of the complainant though he does not admit that he has withdrawn the same. The applicant is a local

resident of District Kabirdham, has no criminal antecedents against him, the case is triable by the Judicial Magistrate First Class and the conclusion of the trial is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant being a Data Entry Operator had misused his position by issuing a debit card in the name of the complainant and using the same to withdraw the amount from the account of the complainant. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Complainant – Kishan Pali made a complaint in Sewa Sahakari Samiti, Ranjeetpur that Rs.20,000/- has been withdrawn from his account in four transactions by some other persons, which he had not himself withdrawn. On an enquiry made by the Bank Officers, it was found that the original debit card was cancelled and in place of that new debit card was issued which was used by the applicant. Later on, the applicant admitted before the bank officers that he withdrew the amount, thereafter, the case was registered.

6. Considering the submissions and the contents of the case-diary, taking into consideration the fact that the applicant has no criminal antecedents, the applicant is a local resident of District Kabirdham, the case is triable by the Judicial Magistrate First Class and the conclusion of the trial

is likely to take some time for its final disposal, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge