

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 177 of 2019**

- Vijay Dewangan S/o Kanhaiya Lal Dewangan Aged About 26 Years R/o Devnagar, Jamul, Bhilai, Police Station- Jamul, Tahsil and District Durg Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Shri B.P. Singh, Advocate.

For Respondent/State : Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/02/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 294/2018, registered at Police Station - Dongargaon, District – Rajnandgaon, Chhattisgarh, for the offence punishable under Sections 420/34 of the IPC.
2. As per the prosecution story, allegations against the present Applicant is that he alongwith co-accused namely Tameshwari Patel have taken the ATM Card and PIN No. from the Complainant GainDRAM and withdrawn Rs. 30,000/- through ATM transaction from his account. It is further alleged that present Applicant and co-accused assured the Complainant for providing loan of Rs. 1,00,000/-. After sanctioning of the said loan, they gave Rs. 49,000/- to the Complainant and distributed the remaining amount of Rs. 51,000/- amongst them. Report was made by GainDRAM on 06.10.2018, on the basis of the said, offence has been registered. The present Applicant has been taken into custody on 28.11.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that charge-sheet has been filed and co-accused namely Tameshwari Patel has already been granted bail by the Trial Court. The Applicant is in custody since 28.11.2018 and trial will take some time. Therefore, he may also be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that co-accused has already been granted bail by the Trial Court, charge-sheet has been filed, Applicant is in custody since 28.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge