

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1052 of 2019

1. Jamshid Khan S/o Jakir Khan Aged About 28 Years R/o Village Dhauj, Police Station- Sector- 55, District Faridabad, Hariyana, At Present R/o Siltara, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Mohd. Junaid Khan S/o John Mohammed Aged About 23 Years R/o Mohadakka (237), Hathin, District Palval Hariyana, At Present R/o Siltara, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Maudahapara, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants	: Shri L.C. Dash, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

26.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 216/2018 registered at Police Station – Maudahapara, Raipur, District Raipur (C.G.) for the offence punishable under Sections 420, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Chandrakant Nag is the branch services manager of State Bank of India, branch Kachahari. Bank account No. 37867808485 is in the name of applicant No.1 Jamshid Khan. Bank account No. 37833167878 is in the name of Saikul. Bank account No. 37658751321 is in the name of Akhtar Hussain. On 03.09.2018 regarding account No. 37867808485 in connection with amount of Rs. 38,000/- system shown that transaction is failed. On 12.09.2018 regarding account No. 37833167878 in connection with amount of Rs. 40,000/- system shown that transaction is failed. On 10.10.2018 regarding account No. 37658751321 in connection with amount of Rs. 36,000/- system shown that transaction is failed. Thus, aforesaid amounts were credited back in respective accounts because the amounts were shown to be deducted from the said accounts. During the physical verification of the ATM it was found that there was no excess amount it means that amounts have been received by the customers. After examination of the CCTV footage it was found that applicants were present in the ATM booth in all such aforesaid dates and one applicant has manipulated with ATM machine and failed the link. Thus, applicants committed cheating and received Rs. 1,14,000/- and caused loss to the bank. On the memorandum of applicant No.1 Jamshid Khan 14 numbers of ATM have been seized from him and on the memorandum of applicant No.2 Junaid Khan 10 numbers of ATM have been seized from him.
4. Learned counsel for the applicants argued that they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however submits that there is no antecedent against the applicants.

6. Looking to the facts and circumstances of the case, looking to the materials available on record against the applicants, looking to the seriousness of the offence, looking to the impact of granting bail to the applicants on society, the present bail application is rejected.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE