

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2916 of 2019**

1. Niwas Kumar Bhumihar s/o Devnandan Singh, aged about 31 years, R/o Fatehpur, Near Devi Mandir, Thana Fatehpur, District Gaya (Bihar)
2. Sandip Kumar Bhumihar s/o Vijay Singh Bhumihar, aged about 21 years, R/o Ramraichak, Fatehpur, Thana Fatehpur, District Gaya (Bihar)

---- Applicants**Versus**

State of Chhattisgarh, Through Station House Officer, Thana Kotwali,
District Korba, Chhattisgarh.

---- Non-Applicant

For Applicants	: Shri Sanjay Patel, Advocate.
For Non-Applicant	: Ms. Sangeeta Mishra, Deputy Government Advocate.

Hon'ble Shri Ram Prasanna Sharma, Judge**Order on Board****07/06/2019**

1. This is the first bail application filed under Section 439 CrPC for grant of regular bail as they have been arrested on 06.01.2019 in connection with Crime No. 797 of 2018 registered at Police Station Kotwali, District Korba, for the offence punishable under Sections 420, 120-B of the Indian Penal Code and Section 66(c)(d) of the Information Technology Act.
2. As per the version of the prosecution, the complainant Smt. Girija Tiwari lodged a report to the effect that on 09.10.2018, she had withdrawn Rs.20,000/- from the ATM. However, on 15.10.2018, she received a message on her mobile phone that a sum of Rs.1,20,000/- more has been withdrawn by some one from her account.
3. Learned counsel for the Applicants submits that they have been arrested on the basis of discovery statement and seizure but the same is not a

connecting piece of evidence for withdrawing the amount from the account of the complainant. Hence, they should be released on bail.

4. On the contrary, learned State counsel opposes the bail application.
5. Taking into consideration that the amount seized in the present case has not been identified to be the amount withdrawn from the account of the complainant, without further commenting upon the merits of the case, I am inclined to allow this bail application.
6. Accordingly, the bail application filed under Section 439 CrPC is allowed and it is directed that the Applicants shall be released on bail on their furnishing a personal bond in the sum of Rs. 25,000/- each with one local surety each in the like amount to the satisfaction of the concerned trial Court. They shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
7. Certified copy, as per rules.

Sd/-
(Ram Prasanna Sharma)
Vacation Judge