

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 3471 of 2019

- Ishwar Yadav S/o Shri Hiravan Yadav Aged About 22 Years R/o Usmapur, Post Devaithana Meh Nagar, District Ajamgarh, Uttar Pradesh., District : Azamgarh, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ganj, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Vivek Mishra, Advocate.
For Non-applicant : Shri Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

02.07.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by this Court on 09.05.2019 in MCRC No. 2828 of 2019 for want of prosecution.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 65/2019 registered at Police Station – Ganj, Raipur (C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code.
4. Case of the prosecution, in brief is that complainant Hiradas Satna is resident of village Khurmudi. On 19.01.2019 he was trying to withdraw money from SBI ATM booth situated at Raman Mandir Ward. He failed to withdraw the money from the ATM booth. Two persons reached there and proposed assistance, they taken the ATM from said complainant. They asked password from him, they returned back him the ATM card of another person. Later on it was found that Rs. 56,500/- have been withdrawn from the account of said complainant. During test identification parade the said complainant identified applicant.

5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, and submits that two other criminal cases under IPC have been registered against the applicant.
7. Looking to the above mentioned facts and circumstances of the case, looking to the materials available on record against the applicant, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in such type of crime in future, he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE