

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4837 of 2019

- Mohit Garg S/o Sheeshan Garg Aged About 35 Years R/o Sushanta City-2, Block- B, 938, Jassi Pawli, Police Station- Sadar, District- Bahtinda, Punjab., District : Bathinda, Punjab

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Sakari, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Rupesh Shrivastava, Advocate.

For Non-applicant : Shri H.S. Ahluwalia, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

14.08.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant 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. 173/2017 registered at Police Station – Sakri District – Bilaspur (C.G.) for the offence punishable under Sections 420/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 02.05.2017 complainant Smt. Varsha Dharpinde received a phone call in her mobile from mobile bearing SIM No. 919546108833. The caller told her that her ATM has become non functional. He obtained her ATM details and thereafter, Rs.

50,000/- was withdrawn from her account.

4. 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.
5. On the other hand, learned counsel for the State opposes the bail application and submits that two other similar type of cases have been registered against the applicant.
6. The complicity of the applicant is described in his memorandum which is not admissible in evidence. Prima facie there is no such evidence that said mobile number belongs to present applicant.
7. Looking to the above mentioned facts and circumstances of the case, looking to the prima facie material 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 Court with the condition that he will not involve in any similar type of crime in future, he will appear before the concerned 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