

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5422 of 2019

- Devendra Markam @ Rusli S/o Late Nanhu, Aged About 25 Years, R/o Village Taparkela, Police Station and Tahsil Lakhanpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Gandhi Nagar Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Chandrabhushan Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-10-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 22-05-2019 in connection with Crime No.76/2019 (as per challan) registered at P.S. - Gandhi Nagar Ambikapur, District- Surguja, Chhattisgarh for the offence under Section 420, 467, 468, 471, 34 of the IPC and Section 66 of I.T. Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 22-05-2019. He has not committed any offence. In the FIR lodged in this case it is stated that all the withdrawal were made on 01-02-2019, whereas, the bank account of the victims show that withdrawal was made on 02-01-2019, therefore, this applicant has no connection with the amount withdrawn. In one similar other case this applicant has been granted bail by coordinate Bench of this Court. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant in association with other accused persons has

cheated number of complainants which shows that he is habitual offender, therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Complainant Amravati Bai has lodged the FIR that on 01-02-2019 three boys and three girls came to her house to make verification regarding receipt of mobile phone and gas stove and thereafter they inspected her Ration Card and Adhar Card and also took her finger print on electronic machine. Thereafter, the complainant came to know that an amount of Rs.4000/- was withdrawn from her bank account on the same day. There are similar complaint of other victims namely Sumati, Chaymani, Laxmi, Sumitra and Bigani that their thumb impression was taken on electronic machine by some unknown persons and thereafter they found out that withdrawal has been made from their account.

6. Considering that the investigation has been completed in this case and the case is now pending for trial and in similar another case this applicant was granted bail and this applicant is local resident of this State, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge