

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 33 of 2020**

Arun Kumar S/o Kehar Singh, aged about 36 years, Caste: Sansi Thakur, R/o Galira Road, Uttarkhand Colony, Saharanpur Uttar Pradesh.

**---- Applicant**

**Versus**

State Of Chhattisgarh through The Station House Officer, Police Station Jainagar, District Surajpur Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Keshav Prasad Gupta, Advocate. |
| For Respondent/State | : Mr. Anand Verma, Dy. G.A.          |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**08/06/2020**

1. The matter is heard through Video Conferencing.
2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No. 128/2019, registered at Police Station: Jainagar, District: Surajpur (C.G.) for the offence punishable under Section 420 of IPC.
3. In this case, there are total 02 accused persons. According to the case of prosecution, on 27.05.2019, the complainant namely Lalita Kindo filed the complaint before the concerned police station alleging therein that, on 27.05.2019, when her son went to withdrew some money from the ATM, he failed to do so, after that allegedly, co-accused Vikas Kashyap was standing behind him and inquired about the non-withdrawal of the amount and tried to help him, the amount was not dispensed and the complainant moved from the ATM. Subsequently, on the another day, when he tried to withdraw the amount, the card was invalid. On being inquired, it was found that total Rs.1,44,500/- has been fraudulently withdrawn from the complainant's bank account. On the basis of said, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that from the CCTV footage of the ATM, it shows that only the complainant and co-accused were found inside the ATM. He further submits that co-accused Vikash Kashyap have

settled their matter with the complainant and on this ground, he has been granted bail by the Trial Court. He lastly submits that there is no evidence available against the present Applicant, therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case and arguments advanced by the counsel for the parties and considering the fact that the main accused have been already granted benefit of bail by the Trial Court and also considering the fact that the matter is settled
8. between the parties, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.
9. Accordingly, the anticipatory bail application is allowed.
10. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
  - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
  - II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
  - III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
  - IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

**Sd/-**

**(Arvind Singh Chandel)**  
**Judge**