

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 791 of 2020

- Dharmendra Rajbhar. S/o Chotelal Rajbhaar Aged About 24 Years R/o Village Bharna, Dadiya Police Station Pawai District Azamgarh Utter Pradesh At Present R/o Machli Market Zone 2 Khursipar Bhilai Tehsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh
- Ramavatar Rajbhar S/o Ramesh Rajbhaar Aged About 24 Years R/o Village Chitara, Police Station Didarganj District Azamgarh Uttar Pradesh At Present R/o Machli Market Zone 2 Khursipar Bhilai Tehsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through , District Magistrate Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicants	:	Shri B.P. Singh, Advocate
For Respondent/State	:	Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

17/03/2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with crime No. 503/2019, registered at Police Station Kotwali, District Durg (CG) for the offence punishable under Section 420 r/w Section 34 of the IPC.
3. As per case of prosecution, the complainant -Keshav Lal Sahu has lodged a report that 19.10.2019 at 11.50 am while he had gone to withdraw money from ATM of Axis Bank at Nandini Road, he received message 'not available', then the applicants standing there changed his ATM Card and provided him another card and

withdrew total amount of Rs.13,000/- from his account.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in the case and FIR was lodged against unknown persons and Test Identification Parade was not conducted. He submits that charge sheet has been filed and the applicants are in jail since 22.10.2019 and trial may take some time for its final disposal, therefore, the applicants may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicants; charge sheet has been filed and their detention period, I am of the opinion that present is a fit case to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.50,000/- with one surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/-

(Rajani Dubey)
JUDGE

