

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1039 of 2020**

1. Shri Kant Singh S/o Ramashish Singh alias Shriram Singh aged about 31 years, R/o Village-Dhangaon, P.S. Fatehpur, District-Gaya, Bihar.
2. Omkar Singh S/o Ramashish Singh, aged about 36 years, R/o Aastha Space Town, Gimna Road, mango, Jamshedpur, Bihar.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : The Police Station - Civil Lines, District - Bilaspur, Chhattisgarh.

---- Respondent**MCRC No. 1583 of 2020**

- Rakesh Ranjan Singh S/o Ashok Kumar Singh aged about 32 years, R/o Quarter No. 1025m Gaur city, 16th Avenue, Gautam Buddh Nagar, Madhya Pradesh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Police Station - Civil Lines, District - Bilaspur, Chhattisgarh.

---- Respondent**MCRC No. 4173 of 2020**

1. Suraj Kumar Singh S/o Shri Sailendra Singh aged about 28 years, R/o Sayal Jamudiya Bazaar, P.S. Bhukunda, District-Ramgandh, Bihar.
2. Rajeev Ranjan singh S/o Gopal Prasad aged about 36 years, R/o Girwar colony, Bekarbandh, P.S. Dhanbad, Jharkhand.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : The Police Station - Civil Lines, District - Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Prasoon Agrawal, Adv.
in MCRC No. 1039/2020.
Mr. S. S. Baghel, Adv.

in MCRC No. 1583/2020.
Mr. Ritesh Verma, Adv.
in MCRC No. 4173/2020.
For Respondent/State : Mr. Ayaz Naved, G. A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

20/07/2020

1. As all three MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved these first bail applications under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 869/2019 registered at Police Station Civil Lines, District-Bilaspur (C.G.) against applicants for the offence punishable under Sections 420, 34 of the IPC.
3. The prosecution story, in brief is that, a written complaint was made by the complainant that on 19.12.2019 when he went to Satyam Chowk ATM for withdrawal of his amount, he came to know that somebody withdraws Rs. 38,500/- from his account. During investigation police got information through their informer and with the help of Cyber Cell arrested the present applicants and recorded memorandum statement of the applicants in which they have stated that by cloning of ATM card they have committed fraud and withdraw the amount, from the accused persons Laptop, Card reader machine etc. have been seized. Based on this offence has been registered against the present applicants.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the complainant and accused persons made a compromise-deed accordingly nothing rest in the section 420 of IPC to

detain them behind the bars. He next submits that he filed a copy of complainant's affidavit in support of bail application. He also submits that the applicants are in jail since 13.12.2019 and, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

5. On the other hand, counsel for the State opposes the bail application submits that the offence committed by the applicants is serious in nature, therefore, they may not be enlarged on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that between the complainant and applicants compromise has been done. The applicants are in jail since 13.12.2019, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the applications are allowed.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 1,00,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**