

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2068 of 2020**

- Santosh Banjara S/o Jethu Ram aged about 30 years resident of village Bakirama, P.S. Premnagar, District Sarguja (CG)

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Batouli, District Sarguja (CG)

---- Respondent

 For Applicant : Shri Ajit Singh, Advocate
 For Respondent/State : Shri Ayaz Naved, G.A.

Hon'ble Smt.Justice Rajani Dubey
Order On Board

16.6.2020

1. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.81/2019, registered at Police Station, Batouli, District Sarguja(CG) for the offence punishable under Section 420 of the IPC and Section 66 (D) of the Information Technology Act, 2000.
2. As per the case of prosecution, the complainant Thakur Prasad Painkara lodged a report that on 9.9.2019 while he was withdrawing amount of Rs.5,000/- from the ATM at Batouli Bas Stand, he could not receive money and the applicant and 3-4 persons standing nearby told him for help and asked the ATM password and exchanged his ATM card, thereafter in two days withdraw an amount of Rs.1,44,000/-.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

submits that the co-accused has been released on bail by this Court in MCRC No.2830/2020 and the applicant is in jail since 2.1.2020; and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Perused the entire material available on record.
6. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the co-accused has been released on bail and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.3.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already

furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE

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