

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2830 of 2020**

- Jamshed Khan S/o Joma Khan Aged About 42 Years R/o Gherbasai (Palpur), Tahsil Tijara, District Alwar (Rajasthan). Present Resident of Harijan Mohalla, Katghora, District Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Batouli, District Surguja, Chhattisgarh.

---- Respondent

 For Applicant : Mr. Ajit Singh, Advocate
 For Respondent/State : Mr. Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

02.06.2020

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.81/2019, registered at Police Station – Batouli, District- Surguja (C.G.) for the offence punishable under Section 420 of IPC and Section – 66(D) of Information Technology Act, 2000.
4. It is the case of the prosecution that on 11.09.2019 the complainant namely Thakur Prasad Painkra lodged report alleging therein that on 09.09.2019 at about 3.00 p.m. near bus stand of Batouli, he entered in the State Bank Atm counter for withdrawal of amount of Rs. 5000/- but due to some error he could not withdrawn the same. On the same time 3-4 persons standing on queue offered him to

withdraw his money and secretly exchanged ATM cards from his card and returned to the complainant. On next day the complainant received 5-6 sms of withdrawal of amount thereafter he went SBI Bank to know about the withdrawal and realized that the appellant trapped him. Based on this, offence has been registered. The present applicant is in custody since 02.01.2020.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as the applicant is in custody since 02.01.2020, charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, he may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the applicant is in jail since 02.01.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.

10. 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 local 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.

11. 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), they need not furnish bail bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

12. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge