NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3177 of 2020

- Obed Kumar Mehar S/o Tikeshwar, aged about 31 years, R/o Village and P.S. Bhasma, District Sundargarh, Oddisha.

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer, P.S. Torwa, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant. : Mr. Hariom Rai, Advocate.
For Respondent/State : Mr. H.S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

17.06.2020

1. Heard on admission.
2. Admit.
3. The applicant has filed this application this **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 493/2018 registered at Police Station : Torwa, District Bilaspur (C.G.) for the offence punishable under Section 420 read with Sections 420, 468, 120B/34 of the IPC and Section 66(C)(D) of the I.T. Act.
4. The first bail application of the applicant was dismissed as withdrawn on 27.01.2020 passed in MCRC No. 5632/2019.
5. The prosecution story in brief is that, the complainant filed a complaint at the concerned trial Court alleging that he

received a message of withdrawal of Rs. 57,000/- on his phone from his bank account. After investigation, it is found that the present applicant along with other co-accused has withdrawn the same amount by cloning of ATM Card of the complainant. Based on that, offence has been registered against the applicant and the applicant was arrested.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. Counsel for the applicant filed a document relating to compromise of complainant. He next added that co-accused namely Paul Mehar has already been granted bail by this Court on 23.03.2020 in MCRC No. 7425/2019, the applicant is in jail since 21.02.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
7. On the other hand, State counsel opposes the bail application.
8. I have heard learned counsel for the parties and perused the record.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering that the co-accused has already been granted bail by this Court, as the applicant is in jail since 21.02.2019 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 applicant on bail. Accordingly, the application is allowed.

10. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

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 23.03.2020 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.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu