

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3120 of 2020**

- Obed Kumar Mehar, S/o Tikeshwar, Aged About 31 Years R/o Village And Police Station Bhasma, District Sundargarh, Oddisha.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - The Station House Officer, Police Station Sarkanda, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

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

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15/07/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 173/2019 registered at Police Station Sarkanda, District-Bilaspur (C.G.) for the offence punishable under Sections 420, 120(b), 34 of the IPC.
4. The prosecution story in brief is that, complainant Kush Kumar had lodged a complaint that when he was in his home he received a message on his cell phone that the Rs. 80,000/- is withdrawn from his account. On the basis of said story the police have done the investigation and found that the present applicant along with other co-accused cloned the ATM card and withdrawn the said amount from the account of the complainant. Based on this, offence has been registered against the present applicant and other co-accused person.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the memorandum witnesses not supported the prosecution case before trial Court. He further

submits that the applicant is in jail since 03.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the memorandum witnesses have not supported the prosecution case before trial court and the applicant is in jail since 03.07.2019, 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.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.
10. It is made clear that if the applicant has already been released on bail pursuant to the bail bond 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 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.

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