

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3675 of 2020**

- Obed Kumar Mehar, S/o Tikeshwar, Aged about 31 Years, R/o Village & PS Bhasma, Near Kirtin Mandal, 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, Advocate.

For Respondent/State : Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15.07.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 86/2019 registered at Police Station– Sarkanda, Bilaspur (C.G.) for the offence punishable under Sections 420, 120(b) and 34 of Indian Penal Code.
- According to the prosecution story, the complainant Shiv Kumar Yadav had make the complaint before PS Sarkanda and stated that he was in his home and received the message on his cell phone the Rs. 80,000/- is withdrawn from his account. On the basis of said story, the PS Sarkanda had done the investigation and found that the present applicant along with other accused cloned the ATM Card and withdrawn the amount from the account of the complainant. After the investigation, the police has arrested the main and co-accused and filed the charge sheet before the learned Court below, where the case is pending for prosecution.
- Learned counsel for the applicant submits that the applicant is

innocent person who has been falsely implicated in the aforesaid case. He further submits that the investigating agency have not any evidence who prove the fact that the present applicant had done the crime and the applicant has been granted bail in the same case in MCRC No. 3177/2020. He next contended that the applicant is in jail since 03.07.2019, therefore, he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 1,00,000/-, with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge

Vasant