

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4164 of 2020**

1. Amit Shaha, aged 32 years, son of Shri Bolai Chandra, resident of Kasim Bazar, Rajmahal Sahebganj (Jharkhand) At present Hathibadi, P.S. Hathibadi, District Sundargadh (Orissa)
2. Tipu Sultan, aged 34 years, son of Late Rahmat Ali, resident of Village Shyam Bagh, P.O./P.S. Sultanganj, District Bhagalpur (Bihar) At present Masanganj Mehena, Street No. 1, H. No. 17, P.S. Civil Lines, District Bilaspur, Vartaman Paper Mart, Sukhchain Bada, Taiyaba Chowk, Talapara Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station Civil Lines (wrongly mentioned as Tarbahar), District Bilaspur Chhattisgarh.

---- Respondent

For Applicants.	:	Mr. Ritesh Verma, Advocate.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.08.2020**

1. The applicants have filed their First bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 734/2019 registered at Police Station Civil Lines, District Bilaspur (C.G.) for the offence punishable under Section 420/34 of the IPC.
2. The allegation against the present applicants, as per the prosecution case is that they along with co-accused had fraudulently withdrawn Rs. 20,000/- by cloning the ATM Card of the complainant. Based on that, after investigation, offence has been registered against the applicants.

3. Learned counsel for the applicant submits that the applicants have been falsely implicated in the crime in question. He further submits that the applicants are in jail since 11.11.2019 and there is no previous criminal antecedent against the applicants and they are ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, they may be released on bail.
4. On the other hand, State counsel strongly opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, as applicants are in jail since 11.11.2019 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 applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge