

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4163 of 2020**

- Md. Ekram age 26 years, son of Md. Israil, resident of Hathibadi, Baidhnathpur, P.S. Hathibadi, District Sundargadh (Orissa)

---- Applicant

Versus

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

---- Respondent

For Applicant.	:	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 applicant has filed this **Second 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 first bail application of the applicant was dismissed by this Court on 28.01.2020 passed in MCRC No. 8025/2019.
3. The allegation against the present applicant, as per the prosecution case is that he along with co-accused had fraudulently withdrawn Rs. 20,000/- by cloning the ATM Card of the complainant.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 applicant.
4. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. He further submits that the applicant is in jail since 11.11.2019 and there is no previous criminal antecedents against the applicant 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.

5. On the other hand, State counsel strongly opposes the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, as applicant is 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 applicant on bail. Accordingly, the application is allowed.
8. 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.

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