

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4110 of 2020

Shrimant Das @ Babu S/o Shri Dadhivaman Das Aged About 38
Years R/o Sarbahal, Ward No. 1, Post- Sarbahal, Police Station And
District- Jharsugda Orissa ---- **Applicant**

Versus

State Of Chhattisgarh Through- The Station House Officer, Police
Station- Torwa, District - Bilaspur Chhattisgarh --- **Respondent**

For Applicant	:	Mr. Rishi Rahul Soni, Advocate
For State	:	Mr. Ravish Verma, Government Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/08/2020

Heard.

1. The applicant has moved this first 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, 468, 120B/34 of the IPC and Section 66(C) & 66 (D) of the I.T. Act.
2. Case of the prosecution is that the complainant filed a report 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 After investigation, it is found that the present applicant along with other co-accused has withdrawn the amount by cloning of ATM Card of the complainant. Based on that, offence has been registered against the applicant and the applicant was arrested.
3. Learned counsel for the applicant submits that he has been falsely implicated in the crime in question. Learned counsel for the applicant submits that there has been a compromise under which complainant has entered into settlement and document to that effect was also filed before this Court in M.Cr.C. No.3177 of 2020 filed by co-accused Obed Kumar Mehar and this

Court considering the aforesaid circumstance has granted bail to said co-accused Obed Kumar Mehar vide order dated 17.06.2020. It is also submitted that the other 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 30.12.2018 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.

4. On the other hand, State counsel 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 and further considering that the co-accused has already been granted bail by this Court, as the applicant is in jail since 30.12.2018 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.

7. 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.

8. 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.

9. Certified copy, as per rule.

Sd/-
(Manindra Mohan Shrivastava)
Judge