

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5593 of 2020**

- Paul, S/o Pitamber Mehar, Aged about 23 years, R/o Village and PS Bhasma, District Sundergarh (Odisha)

---- Applicant**Versus**

- State of Chhattisgarh, Through – Station House Officer, PS- City Kotwali, District Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Amit Kumar, Advocate.
For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21/09/2020**

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. 550/2018 registered at Police Station- City Kotwali, District Bilaspur (C.G.) for the offence punishable under Sections 420, 468, 120-B, 34 of the Indian Penal Code, 1860.
4. The prosecution story in brief is that, the complainant had made a complaint before the police and stated that he was in his house and received messaged on his phone Rs. 40,000/- withdrawn from his account. On the basis of the complaint, the police have investigated the matter and found that the present applicant along with other co-accused cloning the ATM Card and withdrawn the amount from the account of the complainant. After investigation, the police have arrested the present applicant and the co-accused.
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 material witnesses have not supported the case of the prosecution and declared turned hostile. He next submits that the applicant is in jail since 18.03.2019, 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 applicant is in jail since 18.03.2019, 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 present applicant on bail. Accordingly, the bail application is allowed.
9. 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 trial Court on each and every date given to him by the said Court.

Certified copy, as per rules.

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