

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4887 of 2020**

- Sandeep Rai S/o Sanjay Kumar Rai, aged about 21 years, R/o Village Babhnauli (wrongly mentioned as Bathnauli in the impugned order) Police Station Sahatwar, District Baliya, presently at Rajiv Vihar Khoda Colony, P.S. Khoda, District Gajiyabad (U.P.) (wrongly mentioned as (C.G.) in the impugned order.)

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Jamul, District Durg (C.G.) (wrongly mentioned as Supela in the order)

---- Respondent

For Applicant. : Mr. Gunjan Tiwari, Adv.
 For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.09.2020**

1. The applicant has filed this **first bail application** filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 309/2019 registered at Police Station Jamul, District Durg (C.G.) for the offence punishable under Sections 420 & 120-B of the IPC and Section 66 of the I.T. ACT.
2. As per the prosecution case, the allegation against the present applicant is that he along with other co-accused persons has fraudulently withdrawn an amount of Rs. 5,00,000/- from the SBI Bank account

of the Victim. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the crime in question. He would further submit that the offence is triable by Judicial Magistrate First Class and the other co-accused persons have already been granted bail by the Co-ordinate Bench on 13.08.2020 passed in MCRC No. 2297/2020, as the applicant is in jail since 04.01.2020 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. Per contra, State counsel strongly opposes the bail application and submits that in this case, after investigation, the police found that the IMEI number of the mobile phone, which was used for committing fraud, belongs to the present applicant, therefore, looking to the nature of the offence, the applicant may not be granted bail.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the submission of both the counsel, nature and gravity of the offence, as the offence is triable by Judicial Magistrate First Class and the other co-accused have been granted

bail by the Co-ordinate Bench 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. 5,00,000/- (Five Lacs Rupees) with two local sureties 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**