

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5881 of 2020**

- Vijay Tiwari, S/o Late Vishwanath Tiwari, Aged About 26 Years R/o Village - Goura, Post - Mahewar, Police Station - Amanganj, District - Panna (M.P.) (Wrongly Mentioned As Chhattisgarh) ---- **Applicant**

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station - Mandir Hassaud, District - Raipur Chhattisgarh. ---- **Respondent**

For Applicant	:	Shri Pradeep Singh Rathore, Advocate
For State	:	Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/10/2020**

1. Heard on application for grant of bail.
2. The applicant has been arrested on 02.07.2020, on the allegation of having committed offence under Sections 457, 380, 511, 427/34 of I.P.C. He moved this application for grant of bail in connection with Crime No.224/2020 registered at Police Station - Mandir Hassaud, District - Raipur Chhattisgarh.
3. Prosecution case is that the applicant attempted to cut the ATM machine to steal cash from the ATM by the help of grander.
4. Learned counsel for the applicant would argue that the allegation is false, the applicant has not been committed any offence. He would submit that investigation is complete, charge-sheet has been filed and the applicant is in jail since 02.07.2020, at this stage, he may be granted bail.
5. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that the manner in which the applicant attempted to commit offence, shows that if he would have succeeded, he would have taken out

huge amount of cash from the ATM Machine. He next submit that the applicant travelled from another state which shows he may be a hardcore habitual offender. If he granted bail by this Court, he will again commit offence like this.

6. I have heard learned counsel for the parties and taking into consideration that nature of allegation and considering that the applicant attempted to cut the ATM machine to commit offence of theft but he failed and no money stolen by him, it is a fit case for grant of bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail, on his furnishing a personal bond in the sum of Rs.25,000/- with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that-

a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

b) The applicant shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge