

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6369 of 2020**

- Khirod Patel S/o Biranchi Patel, Aged About 35 Years Occupation - Agriculture, Caste - Obc, R/o Village - Tanmura , Near Jatra Mandap, Police Station - Mahulpali, District - Sambalpur, Orissa

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Torwa Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri Aman Upadhyaya, Advocate
For State	:	Shri H.S.Ahluwalia, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****16/10/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.493/18 registered at Police Station – Torwa, Bilaspur (C.G.) for alleged commission of offences under Section 420, 468, 120-B/34 of IPC along with Section 66C and 66D of Information Technology Act, 2000.
2. Prosecution case is that from the account of the complainant, Rs.57,000/- were fraudulently withdrawn. It is alleged that the applicant and other co-accused were involved in the alleged commission of offence.
3. Learned counsel for the applicant would submit that in the present case, involvement of the applicant is based only on the memorandum of the co-accused but there is no legally admissible evidence to connect the applicant with the alleged commission of offence. Next submission is that the main co-accused, who is alleged to have withdrew money, has been granted bail by this Court in MCRC No.3177/2020 on the condition that compromise has taken place and therefore, at this stage, the applicant may be granted bail as he is in jail since 30/12/2018 and there is no likelihood

of early conclusion of trial.

4. On the other hand, learned State counsel submits that present applicant and other accused are involved in the offence of fraudulent withdrawal of money not only from the account of the complainant but also from the account of other persons and five other similar cases are pending against him which shows that the applicant is a habitual offender of fraudulent withdrawal of money.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the main accused has already been granted bail in the present case on the basis of compromise taken place and also taking into consideration the total amount involved and the applicant is in jail since 30/12/2018, I am inclined to grant bail to the applicant.

6. Accordingly, the 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/- along with one local surety 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) He shall not make any attempt to tamper with the prosecution witnesses.

If in future, the applicant is found involved in similar offences, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge