

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7425 of 2019**

- Paul Mehar, S/o Pitamber Mehar, Aged About 22 Years, R/o Village & Police Station- Bhasma, District- Sundargarh, Odisha.

---- Applicant**Versus**

- State of Chhattisgarh Through SHO Police Station- Torwa, Bilaspur, District- Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Amit Kumar on behalf of Mr. Rupesh Shrivastava, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.03.2020**

1. 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. 493/2019 registered at Police Station- Torwa, Bilaspur, District- Bilaspur (C.G.) for the offence punishable under Sections 420, 468, 120B/34 of I.P.C., r/w Sections 66 (C) and 66 (D) of the Information Technology Act.
2. The prosecution story, in brief is that, complainant Dayaram Makde had made a complaint stating that he received a message of withdrawal of Rs. 57,000/- on his phone from his bank account. On investigation, it is found that the present applicant along with other co-accused has withdrawn the same amount by using clone of ATM Card of the complainant. Thereafter, offence has been registered against the present applicant and other co-accused persons.
3. 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 compromise has been done between the parties and other co-accused has been granted bail in MCRC No. 1276/2020 vide order dated 06.03.2020 in connected case. The applicant is in jail since 02.02.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that other co-accused has been granted bail in MCRC No. 1276/2020 vide order dated 06.03.2020. The applicant is in jail since 02.02.2019 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 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/remand Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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