

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 988 of 2021**

1. Mohd. Jarif Ansari, S/o Abdul Sakur Ansari, aged about 34 Years,
2. Abdul Khalik @ Bachchu, S/o Abdul Sakur Ansari, aged about 26 Years,

Both are R/o Birajpur, P.S. Karmatal, District Jamtara (Jharkhand).

----Applicants**Versus**

- State of Chhattisgarh, District Magistrate Bilaspur and Through the P.S. Tarbahar, District Bilaspur, Chhattisgarh.

----Non-applicant

For Applicants
For State

Shri Pravin Kumar Tulsyan, Advocate.
Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

22/03/2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.46/2020 registered at Police Station- Tarbahar, District Bilaspur, C.G. for the offence punishable under Section 420, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the complainant Garima lodged a report on 07.02.2020 at police station Tarbahar to the effect that she placed an order through mobile app on 04.02.2020 for purchase of some article and made online payment through phone pay. But the article so ordered could not be delivered to

her, on which she contacted the customers service center who insured her of refund of her amount and obtained her phone pay account number and OTP. Thereafter, on 06.02.2020 from her bank account Rs.31,000/- and Rs.600/- were withdrawn illegally. She disclosed the mobile number of the persons with whom she had contacted. On report being lodged to the above effect, the offence under the aforesaid sections have been registered against the applicants.

3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that the allegation against the present applicants is false and baseless. The applicants are in jail since 30.11.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the detention period of the applicants, who are 34 & 26 years of age, charge sheet has already been filed, the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take

some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh