

MCRC No. 1188 of 2021

- **Applicant**

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh.

1. Babu Singh Nishad S/o Shri Jhallu Nishad, Aged About 20 Years R/o Village Shekhapur Guda, PS Kalpi District Jalaun Uttar Pradesh
2. Ankit Kumar Nishad S/o Shri Anirudh Kumar Nishad, Aged About 22 Years R/o Village Mora Kandar Post Swaha P S Lalpura District Hamirpur Uttar Pradesh
3. Ajeet Kumar Nishad S/o Vijay Bahadur Nishad , Aged About 25 Years R/o Village Aadan, Chaparghata, P S Musha Nagar District Kanpur Dehat Uttar Pradesh

- State Of Chhattisgarh Through Police Station Sarkanda District-Bilaspur Chhattisgarh

----Non-applicant

For Applicant (MCRC No. 1188/2021) : Shri Dharmesh
Shrivastava, Advocate
For Applicants (MCRC No. 1475/2021) : Shri Dheerendra Pande,
Adv.
For respondent/State : Shri Raghvendra Verma,
GA

Order On Board

1. As both these MCRCs arise out of same crime number of same police station, they are being heard together and disposed of by this common order.

2. These are first bail applications filed under Section 439 of the Criminal Procedure Code for grant of regular bail to the applicants, who have been arrested on 29-12-2020 in connection with Crime No. 1210/2020 registered at Police Station Sarkanda, Distt. Bilaspur (C.G.), for the offence punishable under Sections 420, 34 of the Indian Penal Code.

3. Case of the prosecution, in brief, is that, complainant, who is Sr. Executive of TSI India Pvt Ltd. lodged a complaint in the PS Sarkanda that his company TSI India Pvt Ltd. installs ATMs in entire CG and maintains them. On 26-12-2020 it was found that some unknown persons have withdrawn total Rs. 29,000/- by using ACM card No. 6069942190308484. On the basis of the report offence under Section 420 of Indian Penal Code was registered against the applicants. During investigation, police caught the accused persons on suspicious condition. On memorandum of accused Babu Singh Nishad, one ATM card of Bank of Baroda, cash Rs. 20,000/-, one mobile and press card 2 nos. were seized, on memorandum of accused Ankit Nishad, one ATM card of Union Bank, one debit card of Axis Bank and one mobile was seized, on memorandum of Accused Ajit Nishad 3 debit cards of Axis Bank, one Adhar Card, PAN Card and 2 mobiles, from applicant Adesh Kushwaha one white Swift Dezire car, one Rupay card of Bank of Baroda, one RC book, one driving licence, Green Remit card of SBI, one PAN card and one Identity card of UP police were seized. The accused were arrested and offence was registered.

4. Learned counsel for the applicant submits that the applicants have been falsely implicated. He further submits that the applicants are in jail since 29-12-2020, the applicants will not abscond if bail is granted, they will not commit any offence in future, therefore, present applicants may be enlarged on bail.

5. On the contrary, learned State counsel opposes the applications for grant of bail.

6. Looking to the facts and circumstances of the case, nature and gravity of offence, period of detention and also considering the fact that the trial will take some more time for its conclusion, without further commenting on merits of the case, I am inclined to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of their furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. They shall appear before the trial court regularly on each and every date as per direction of the court, unless exempted from appearance.

Certified copy as per rules.

**Sd/-
(NK Chandravanshi)
VACATION JUDGE**

pathak/-