

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1677 of 2021**

- Vinod Gautam S/o Dalchand Gautam Aged About 28 Years R/o Math Mandir, Near Railway Station Sivani, Tahsil Lakhanadaun, Police Station Chhapra, District Sivani Madhya Pradesh

---- Applicant (In jail)**Versus**

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

---- Respondent

For Applicant	: Shri Hemant Kumar Agrawal, Advocate
For Respondent/State	: Shri BP Banjare, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

09.07.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No. 177 of 2019 registered at Police Station- Sarkanda, District Bilaspur, Chhattisgarh for the offences punishable under Sections 420 and 120(B) of IPC.
2. Case of the prosecution, in brief, is that on 05.01.2019 applicant along with other co-accused persons have kept ATM machine on hold and thereafter, fraudulently, withdrawn amount of Rs.40,000/- from SBI account of complainant, having account No.32273563703. On receipt of message of withdrawal of amount from his account, he made a complaint to Cyber Cell and thereafter, FIR was lodged in concerned Police Station, based upon which the instant crime was registered against the present applicant.
3. Shri Hemant Kumar Agrawal, learned counsel for the applicant submits that applicant has been roped up falsely in like nature of cases. He submits that applicant has been made accused in total six cases of like nature, out of

which, he has been acquitted in three cases; in two cases he has been enlarged on bail vide order dated 14.09.2020 and 15.09.2020 in MCRC-4936 and 4945 of 2020 respectively, vide Annexure-A2. Applicant is in jail in connection with this crime only. He further submits that offences registered against present applicant are under Section 420 and 120B, triable by the Magistrate First Class and trial may take some time. Applicant is in jail since 28.01.2021, therefore, he may be enlarged on bail.

4. Shri BP Banjare, learned State counsel opposing the submissions of learned counsel for the applicant, submits that applicant along with two other co-accused persons have withdrawn amount of Rs.40,000/- fraudulently, from ATM machine from the account of complainant. There are other crimes registered against present applicant of similar nature, hence, he is not entitled for bail.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegation, further that the applicant has been enlarged on bail in two other cases of same nature vide order dated 14.09.2020 and 15.09.2020 in MCRC-4936 and 4945 of 2020 respectively, offences registered against the present applicant in the instant petition are triable by the Magistrate First Class and trial may take some time, without commenting anything on merits of case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond

in the sum of Rs.50,000/- (Rupees fifty thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
JUDGE

padma