

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1788 of 2021

Wasim Khan, S/o. Hanif, Aged About 21 Years, R/o. House No.1527 Dhoj
17 Faridabad, Haryana 121004

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station City Kotwali, Raipur,
District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. N. Naha Roy, Advocate

For Respondent : Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

19.07.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.312/2020 registered at Police Station- City Kotwali, Raipur, for the offence punishable under Section 420, 34 of the Indian Penal Code.
2. As per the prosecution case, in between 30.09.2020 to 09.10.2020 different transactions were done in the ATM and Rs.60,000/- were withdrawn by the present applicant and others. The allegation is that three credit cards were used and when the notes come out from the ATM, at that time, certain reset program has been made by the present applicant, which in alternate would show that no amount has been withdrawn.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, no allegations have been put and only on the basis of memorandum, he has been arrested; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that apart from this case, another case of Section 420 of I.P.C. is registered against the applicant.
5. Considering the nature of allegation that the applicant by tempering the ATM, different amounts were withdrawn and another case of Section 420 of IPC is to the credit of the applicant, I am not inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge