

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 693 of 2021**

- Lakeshwar Chandra S/o late Shri Bhagat Prasad Chandra, aged about 24 years, R/o Ward No. 12, village- Amapali, Nagar Panchayat, Jaikapur, Thana and Tahsil- Jaijapur Civil and Revenue Distt. Janjgir champa Chhattisgarh.

-----Applicant**VERSUS**

- State of Chhattisgarh through: Station House Officer, Police Station Kharsia, District Raigarh, Chhattisgarh

-----Respondent

For Applicant	: Mr. Sunil Sahu, Advocate
For Respondent- State	: Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****19/07/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.191/2021 registered at Police Station Kharsiya, District Raigarh (C.G.) for the offence punishable under Section 420 of IPC.
2. As per case of prosecution, on 18.03.2021, Ghasiya Rathia made written report to the SHO, police station, Kharsiya, Raigarh, mentioning therein that on 02.03.2021 when he went to withdraw the amount from his bank account in IDFC Bank, Kharsiya branch, he revealed that an amount of Rs. 6,80,000/- has been withdrawn from his account within last 2-3 days. After getting knowledge, he enquired with the bank authorities, upon which, he was informed that on 25.02.2021 a new ATM card was issued through mobile number 9753345797. Amount has been withdrawn from 12.02.2021 to 14.02.2021 and 26.02.2021 to 01.03.2021 through online transactions. SIM number from which new ATM card got issued was in possession of his

son. His son informed that said SIM card was misplaced since last about 01 month. Based on the written report, crime for offence under Section 420 of IPC was registered against unknown person. During the course of investigation, based on the CCTV footage of the bank and the places where three ATMs were situated was seized. Based on the investigation, and the statement of witnesses recorded by the police, they went to the house of present applicant where applicant was not found.

3. Mr. Sunil Sahu, learned counsel for the applicant would submit that as per the complaint itself, the mobile number through which new ATM card was obtained from the bank was with son of complainant. Merely based on the statement of one Shivkumar Sahu who is an ex-employee of the bank had the diary book in which mobile numbers of account holders were recorded alleged to be taken by applicant and the statement of Durgesh Chandra, applicant could not be implicated in the instant crime. There is no mention that the applicant has allegedly been shown expending money for construction of his house, purchase and Rs. 2 Lac was the amount which has been fraudulently withdrawn by some person. He submits that there is no material to connect the applicant in the instant crime, hence, applicant may be enlarged on anticipatory bail.
4. Mr. Roshan Dubey, learned State counsel while opposing the submissions made by learned counsel for the applicant would submit that during the course of investigation, police has recorded statement of Shivkumar Sahu, Durgesh Chandra, complainant Gashiya Rathia and also seized CCTV footage of the bank and the relevant places from where the amount through ATMs was withdrawn, the applicant was identified by witnesses withdrawing the amount from ATM from the account of complainant at that relevant time. The amount as has been shown to be withdrawn from the account of complainant is of that time and period when the person operating ATM is identified as applicant. The post office employee also

stated about making query in post office for new ATM card.

5. I have heard learned counsel for the respective parties and also perused the case diary.
6. Taking into consideration, the nature of allegation levelled against present applicant, statement of Shivkumar Sahu, Durgesh and the material available in the case diary, I do not find it a fit case to enlarge the applicant on bail.
7. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Pawan