

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5072 of 2021**

1. Khirod Patel S/o Biranchi Patel, Aged About 36 Years, Occupation Agriculture, Caste OBC, R/o Village Tanmura, Near Jatra Mandap, Police Station Mahulpali, District Sambalpur (Orissa).

**----Applicant**

**Versus**

1. State Of Chhattisgarh, Through Station House Officer, Police Station City Kotwali, Bilaspur (C.G.).

**---- Non-Applicant**

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| For Applicant           | : | Mr. Sushil Dubey, Advocate.          |
| For Non-Applicant/State | : | Mr. Anand Verma, Dy. Govt. Advocate. |

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**MCRC No. 5093 of 2021**

1. Khirod Patel S/o Biranchi Patel, Aged About 36 Years, Occupation Agriculture, Caste OBC, R/o Village Tanmura, Near Jatra Mandap, Police Station Mahulpali, District Sambalpur (Orissa).

**----Applicant**

**Versus**

1. State Of Chhattisgarh, Through Station House Officer, Police Station City Kotwali, Bilaspur (C.G.).

**---- Non-Applicant**

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| For Applicants          | : | Mr. Sushil Dubey, Advocate.                 |
| For Non-Applicant/State | : | Dr. (Ms.) Veena Nair, Dy. Advocate General. |

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**Hon'ble Justice Shri Gautam Chourdiya**  
**Order On Board**

**03/08/2021**

- 1) The matter is heard through Video Conferencing.
- 2) Both these First Bail Applications are being disposed of by this common order.
- 3) **MCRC No. 5072 of 2021**: Applicant has filed this First Bail

Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as applicant are in jail since 30/12/2018 in connection with Crime No. 02/2019, registered at Police Station City Kotwali, Bilaspur (C.G.) for the offence under Section 420, 468, 120-B and 34 of Indian Penal Code.

- 4) **MCRC No. 5093 of 2021**: Applicant has filed this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as applicant are in jail since 30/12/2018 in connection with Crime No. 542/2018, registered at Police Station City Kotwali, Bilaspur (C.G.) for the offence under Section 120-B, 468 in alternate 468/34, 420 in alternate 420/34 of Indian Penal Code.
- 5) Allegation against the present applicant is that on or before 06/12/2018 in order to fraudulently withdraw money from the saving account of complainant's father Satendra Tiwari he alongwith other co-accused persons installed a device camera in ATM Machine situated in front of Shitlamata Mandir, Dayalband, thereby obtained secret details of his father's ATM and them having made a clone of his ATM withdrew Rs. 20,000/- from his account. Likewise, on or before 17/12/2018 the applicant alongwith other co-accused persons in the same manner having prepared clone ATM of complainant Sujit Keshari withdrew Rs. 35,000/- from his saving account fraudulently.
- 6) Learned Counsel for the applicant submits that the applicant is innocent person and has been falsely implicated. He further submits that applicant is in jail since 30/12/2018, charge sheet has been filed and due to COVID-19 Pandemic conclusion of trial is likely to take some time for its disposal. Co-accused Paul has already been granted regular bail in both the aforesaid crime numbers by the Co-ordinate Bench of this Court vide order dated 02/09/2020 passed in MCRC No. 4809/2020 and order dated 14/12/2020 passed in MCRC No. 5637/2020. Therefore, the applicant deserves to be released on bail.

- 7) On the other hand, learned counsel for the State opposes the bail applications.
- 8) I have heard learned Counsel for the parties.
- 9) Considering the facts and circumstances of the case, the nature of allegations against the applicant, the detention period of the applicant, who is 36 years old, the fact that co-accused has already been granted bail by the Co-ordinate Bench of this Court, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by counsel for the parties and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
  - i. he 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. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
  - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
  - iv. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
  - v. he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

**-Sd/-**  
**(Gautam Chourdiya)**  
**Judge**