

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5542 of 2020**

- Paul Mehar, S/o Pitamber Mehar, Aged About 22 Years, Occupation Student, R/o Village Bhasma, Police Station Sundergar, District Odisha.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Amit Kumar, Adv.
For Respondent/State	: Dr. Veena Nair, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31.05.2021**

1. The matter is heard through video conferencing.
2. The accused/applicant has moved this **Second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 498/2018 registered at Police Station- Torwa, District Bilaspur (C.G.) for the offence punishable under Sections 420, 468, 120-B/34 of IPC.
3. Earlier, the first bail application of the applicant was dismissed as withdrawn vide order dated 05.04.2019 passed in MCRC No. 1852/2019 by this Court.
4. The prosecution story, in brief is that, present applicant along with other co-accused persons has withdrawn a sum of Rs. 30,000/- from the account of the complainant by cloning the ATM card. Thereafter, offence has been registered against the present applicant and other co-accused persons and they were taken into custody.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that charge-sheet has been filed and other co-accused has been granted bail in MCRC No. 6356/2020 and the applicant is in jail since 18.03.2019, there is no likelihood of his case being decided

in near future, therefore, the present applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the applicant is of serious in nature, and, therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the record.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the other co-accused has been granted bail in MCRC No. 6356/2020 and the applicant is in jail since 18.03.2019, the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Vacation Judge**

Ruchi