

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5379 of 2021

Pankaj Kumar S/o Baijnath, Aged About 25 Years, Caste -Korwa, R/o Village Karabel, P.S & Tehsil -Sitapur, Distt. Surguja (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through, S.H.O. Police Station - Sitapur, Distt. Surguja (Chhattisgarh).

--- Respondent

For Applicant	: Mr. Dev Ashish, Advocate.
For State	: Mr. Uddhav Sharma, GA.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

26/10/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.50/2021, registered at Police Station - Sitapur, Distt. Surguja, (C.G.), for commission of offence punishable under Sections 420 of the Indian Penal Code.
2. Case of the prosecution is that written report was lodged by complainant mentioning therein that applicant who is neighbour and known to him, used to visited in his house. He also operates his mobile phone. Complainant is a retired person, his monthly pension is being deposited in his bank account. When he visited the bank for updating pass-book, he came to know that huge amount has been withdrawn from his bank account and deposited in account of applicant. Based upon the report, aforementioned crime is registered against applicant.
3. Learned counsel for applicant submits that allegation levelled against applicant is false and frivolous. He has not transferred any amount as alleged from bank account of complainant. Police after investigation, filed charge-sheet before the Court of Jurisdictional Magistrate on 25.04.21. Offence is triable by Magistrate and trial may take some time for its conclusion. There is no any criminal

antecedents against applicant. Applicant is in jail since 04.03.21. Hence, he may be enlarged on bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that there is specific evidence of transfer of amount from account of complainant to account of applicant. Hence, he is not entitled for grant of regular bail. However, on putting a specific query to learned State Counsel with regard to criminal antecedents against applicant, he submits that in case diary there is no mention of any criminal antecedents against applicant.
5. Considering the entire facts and circumstances of the case, nature of allegation, the fact that applicant is not having any criminal antecedents, offence is triable by Magistrate, period of pre-trial detention of applicant since 04.03.21, without commenting anything on merits of the case, I am inclined to allow this bail application.
6. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(**Parth Prateem Sahu**)
Judge

Jamal/-