



2024:CGHC:38606

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6752 of 2024

Bahadur Chowkidar S/o Prahlad, Aged About 33 Years, R/o Village Kuliwana, P.S. Pilwa, District- Didwana, Rajasthan

... Applicant

versus

State of Chhattisgarh Through Thana In-Charge, P.S. Tarbahar, District- Bilaspur, Chhattisgarh

... Non-Applicant

For Applicant : Mr. Rajendra Tripathi, Advocate.
For Non-Applicant/State : Mr. Jitendra Shrivastava, Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

30/09/2024

1 The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No.184/2024, registered at Police Station – Tarbahar, District – Bilaspur (C.G.) for the offence punishable under Sections 331(4), 305(a) of Bharatiya Nyaya Sanhita, 2023.

- 2 The case of the prosecution, in brief, is that on 21.07.2024, the complainant, namely, Virendra Kumar Suryawanshi has lodged the report that he is working as District In-Charge in Transaction Solution International Private Ltd. And his company do work of taking care and maintenance of SBI ATM of Bilaspur. He received information from call center that money is not withdrawing from some of the ATM when he checked the CCTV one unknown person inserting strip by opening the shutter Box. For the above reason, complainant had lodged the F.I.R. in Police Station.
- 3 It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. He further submitted that the total amount has been seized of Rs. 33,000/- which was withdrawn by the applicant from his own ATM Card. He further submitted that the charge-sheet has not been filed in this case and the applicant is in jail since 21.07.2024 and trial is likely to take quite long time for its conclusion, therefore, he prays for grant of bail.
- 4 On the other hand, the learned State counsel opposed the bail application and submitted that the charge-sheet has not been filed in the present case. He further submitted that the applicant is resident of Rajasthan and in the State of Rajasthan including Maharashtra 13 cases has been registered against him for the similar offence of ATM theft and for which the learned counsel for applicant could not dispute the same said fact. Therefore, he is not entitled to be released on bail.
- 5 I have heard learned counsel for the parties and perused the documents available on record.
- 6 Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact

that the applicant is resident of Rajasthan and in the State of Rajasthan including Maharashtra 13 cases has been registered against him for the similar offence of ATM theft, and further, the charge-sheet has been filed and he is in jail since 21.07.2024, he is a habitual offender, I am not inclined to allow this application.

- 7 Accordingly, the bail application of the applicant - **Bahadur Chowkidar** involved in Crime No.184/2024, registered at Police Station – Tarbahar, District – Bilaspur (C.G.) for the offence punishable under Sections 331(4), 305(a) of Bharatiya Nyaya Sanhita, 2023., is **rejected** at this stage.
- 8 Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
- 9 Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
Ramesh Sinha
(Chief Justice)