

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40045 of 2024

Applicant :- Arvind Kewat

Opposite Party :- State of U.P.

Counsel for Applicant :- Bipin Pal Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava,J.

Counter affidavit filed by the learned A.G.A. and rejoinder affidavit filed by the learned counsel for the applicant, are taken on record.

Heard Shri Bipin Pal Singh, learned counsel for the applicant and Shri Rakesh Kumar Mishra, learned AGA for the State-respondents and perused the record.

This bail application under Section 439 Cr.P.C., has been moved on behalf of accused-applicant, Arvind Kewat, seeking enlargement on bail in Case Crime No. 210 of 2023, under Sections 420 I.P.C. & Section 66d of I.T. Act, Police station-Titavi, District-Muzaffar Nagar.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 19.03.2024. First Information Report has been lodged on 30.07.2023 with the version that the Mining Exchanger Online Trade Company has cheated the informant in the name of earning profit and has embezzled Rs. 4,20,000/- in several attempts. First Information Report has been lodged against unknown persons. The name of the applicant has surfaced in the statement of co-accused Sonu. The Mobile Phone and Bank account mentioned in the case are not belonging to the applicant. No transaction has been done in the bank account of the applicant. Criminal history of the applicant has been explained in the affidavit filed in support of the bail application. There is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed the bail application by

submitting that the Investigating Officer during investigation found that the applicant has created an Instagram I.D. in the name of Mining Exchanger Online Trade and through which I.D. he used to send messages to the informant for executing trade on which the informant has deposited money in several attempts. After receiving the money in the account, linked with the Instagram I.D., he has transferred the said amount in the account of co-accused Dharendra Srivas. He further submits that the applicant is continuously involved in opening fraud accounts as has been mentioned in the statement of Sonu who has said that the applicant ensured him if he will give a SIM in his name, through which the applicant opens an account, then in said account every month some money will be credited under the Prime Minister Scheme but till date no money has been credited in the said account. He further submits that the father of the applicant himself said that his son after associating the company of bad element, involved in Cyber Crime and other crime and he is languishing in jail since 8-9 month in Madhya Pradesh and now he is in Jhansi Jail. Learned AGA further submits that in DCRB and CCTNS report four cases have been shown against the applicant, including present one, which clearly shows that the applicant is involved in commission of crime and he is liable to be prosecuted and if he is released on bail then he may certainly abscond and try to tamper with the prosecution witnesses and hence, the present bail application of the applicant is liable to be rejected.

Considering the aforesaid facts, circumstances, statements and heinousness of offence, cheating the innocent and general public by making online fraud, which nowadays is generally happening, likelihood of tampering with evidence in case of release on bail as well as likelihood of fleeing from course of justice, there appears to be no ground for bail.

Accordingly, this Bail Application stands **rejected**.

Order Date :- 19.12.2024

Ravi Prakash/Deepak/