HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5432 of 2015

Ramkumar Raman @ Sonu S/o Arjun Yadav Aged About 23 Years R/o Kanel Madhubeni, Bihar, Presently R/o At F-173, Block Vishnu Garden, Police Station Rajouri Garden, District Delhi

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh

---- Respondent

MCRC No. 5862 of 2015

Imran Khan S/o Israr Khan Aged About 23 Years R/o - E - 498, Block Navjeevan Camp, Govindpuri, Kalkaji, Delhi

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station - City Kotwali, Dhamtari, District - Dhamtari Chhattisgarh

---- Respondent

MCRC No. 5858 of 2015

1. Afzal @ Jishan Khan S/o Azaz Khan, Aged About 24 Years R/o Firoz Purv, District Eta (Uttar Pradesh), Present R/o Ashok Nagar, New Delhi

2. Mehtab Ahmed, S/o Ishaq Ahmed, Aged About 25 Years R/o H. No. H/168, Shahid Nagar, Police Station - Shahibabad, District - Gaziyabad (Uttar Pradesh)

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari (Chhattisgarh)

---- Respondent

MCRC No. 5857 of 2015

Ashif Khan S/o Masood Khan, Aged About 24 Years R/o House No. 350, Dariba Ashique, Tahsil Mainpuri, District Mainpuri (Uttar Pradesh)

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari (Chhattisgarh)

---- Respondent

MCRC No. 6396 of 2015

Vipin Patel S/o Dwarka Prasad Patel Aged About 50 Years R/o Gadiya, District- Rampur(U.P.) Present R/o Mayur Vihar, Phase No. 3, House No 8, Main Market Kohli, Delhi

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- City Kotwali, Dhamtari, Distrcit- Dhamtari (Chhattisgarh)

---- Respondent

MCRC No. 5488 of 2015

Kalketu Singh S/o Mithilesh Singh Aged About 33 Years R/o C/199/3, Second Floor, Jeevan Park, Uttam Nagar, New Delhi.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari (Chhattisgarh).

---- Respondent

And

MCRC No. 6715 of 2015

Vinod @ Alim Saifi S/o Shahid Aged About 25 Years R/o House No. 83/ A, Loharpura, P.S. Kotwali, Gaziabad, Distt. Gaziabad, Uttar Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, P.S. City Kotwali, Dhamtari, Distt. Dhamtari, Chhattisgarh.

---- Respondent

For applicants – Shri Rajeev Shrivastava, Advocate with Shri Malay Shrivastava, Shri Shivendu Pandya and Shri B.P. Singh, Advocates.
For Respondent/State – Shri Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/12/2015

1. All these bail applications are decided by this common order as they are arising out of the same crime number.

2. The applicants have preferred these bail applications for grant of bail as they are arrested in connection with Crime No. 206/2015 registered

in Police Station City Kotwali, Dhamtari, District Dhamtari (C.G.) for offence punishable under section 420/34 of I.P.C.

3. As per the prosecution case complaint was lodged by one Devendra Singh Thakur that he received phone call on his mobile No.9770144449 from one S.P. Tiwari bearing mobile No.8130313103**,** from one R.K. Gupta bearing mobile No. 9971583563 and from one Kritika 9599437597 with an offer that if the complainant deposits certain amount in a bank account given by them the same would be returned with double the amount within a short period of time. Accordingly, the complainant deposited amount in the account which was bearing No. 21610100008396 at Bank of Baroda at Aligarh as advised on phone. The total amount of Rs.26,15,944/- was deposited in installment. Thereafter, the amount when was not returned from period 20/04/2015 up till 11/07/2015, subsequently the mobile number wherefrom the complainant received the call were found to be not responding. Consequently, complainant went to Delhi and enquired and report was made. On enquiry, it was revealed that account was maintained in the name of AHSWS i.e. Alhamd Social Welfare Society of Aligarh and further on the basis of phone call and locations few of the applicant arrested and thereafter on memorandum it revealed that different accounts in different names were maintained in Bank of Baroda, Aligarh (UP), SBI Aligarh (UP), Punjab National Bank, Aligarh (UP), City Services Allahabad Bank Noida, Bank of India Sector 50 Noida and such accounts were opened in the name of Life Care, HDFC Noida, Delhi, Capital Solution ICICI Bank Narayana Delhi and Aman Services HDFC Gwalior. It further revealed on memorandum that on the basis of forged ID account were opened by the applicants and thereby offence is committed.

4. Learned counsel for the applicants Shri Rajeev Shrivastava assisted by Shri Malay Shrivastava, Shri B.P. Singh and Shri Shivendu

Pandya would vehemently submit that there is no evidence to connect the applicants with the crime. It is further contended that the account so opened neither has any nexus with the applicants nor there is any iota of evidence against them. It is further submitted that only on the basis of memorandum, the arrest have been made and no clinching evidence exists on record so as to inculpate the applicants. He further submits that charge sheet in this case has been filed and applicants are in jail since 30/07/2015 and 7/08/2015 respectively. Consequently, they may be enlarged on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail. It is submitted that applicants in connivance with the other accused has committed organized crime and in the name of insurance services and money circulating on the promise to double the amount, received amount from the complainant and they committed the crime through net work spread out. It is further submitted that at the assurance of the applicants different amounts were deposited in the account and on the basis of fake ID accounts have been seized which lead to form discovery of fact as the forged ID was used for opening account. He further submits that out of the memorandum 9 accused have been arrested and still 6 accused are at large, therefore considering the nature of crime despite the fact charge sheet has been filed, applicants may not be released on bail.

6. I have heard learned counsel for the parties at length.

7. I have perused the documents and the complaint. According to the complaint, initially the phone call was received by Devendra Singh Thakur in the name of S.P. Tiwari, R.K. Gupta and one Kritika. He was told and assured that on depositing of certain amount in the bank same would be doubled within short period of time. Subsequently, by RTGS amount was transferred as per demand on different dates. Perusal of the case diary

would show that on detailed enquiry mobile numbers were traced. On the basis of locations the accused were arrested. After their arrest the memorandum was also obtained. In the memorandum of the accused arrested, the accused disclosed the name of other persons who were involved in the crime. Consequently, it lead to recovery of the different account and seizure along with mobiles. The documents shows different accounts were being maintained in different bank at different cities and apart from complainant other people at large may be victim. In this case 9 accused are arrested and rest of them are still absconding. Perusal of the case diary and the documents would show that prima facie case exists against these applicants. Considering the way the offence has been committed in organized way and still 6 persons are absconding and the history of various account are still to be traced at different bank and different cities. In such case despite the fact that charge sheet has been filed, I do not find it proper to release the applicants on bail as there are apprehension of tampering of the evidence cannot be ruled out.

8. Accordingly, the bail applications are dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

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