HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 151 of 2016

Lucas @ Abraham S/o Johnson Aged About 28 Years R/o 36 Igumbor, Street : Igbore OB, Delta State, Ica South Loca Government Egvo Nigeria Present Address : - Mohan Block, Gali No. 7, Sagarpur, New Delhi

---- Applicant

Versus

The State Of Chhattisgarh Through District Magistrate Durg Distt. Durg Chhattisgarh & Through P.S. Supela Thana Bhilai, Distt. Durg Chhattisgarh

---- Respondent

For applicant - Shri Arvind Dubey, Advocate.
For Respondent/State – Shri Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

25/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 397/2015 registered in Police Station Supela Dist. Durg (C.G.) for offence punishable under section 420, 467, 468, 471, 34 of Indian Penal Code and 66, 66 (D) IT Act (As per challan)

2. As per the prosecution case one Sunil Kumar of Dinesh Trading Company transferred an amount of Rs.25 lakhs in account of Zindal Power Plant by RTGS. In route of transfer entire account was hacked and the amount was deposited in the account of one Manoj Kashyap which was bearing No.33204138003. Said Manoj Kashyap on being interrogated came out name of Lucky @ Rijwan. On his instruction account was opened and amount were being transferred and 5% commission was given. Further on interrogation of Lucky name of Manish Sharma, Parvindar and Shilpa recovered that they are also involved. Subsequently, when Shilpa was interrogated name of Samir @ Akram came to fore. On

the memorandum of Samir it came to fore that applicant is main culprit who has hacked the accounts and transferred the amount. Therefore, applicant has been arrested.

3. Learned counsel for the applicant submits that there is no evidence against this applicant and only on the memorandum of other accused Samir, applicant has been inculpated, therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that applicant is resident of Nigeria and he submits that he was operating and hacking different account and similar type of offence has been committed. He further submits that taking into background of this applicant and the way the offence is committed, he may not be released on bail as he may fled away.

5. I have perused the case diary and statement. This fact cannot be ignored that applicant is a resident of Nigeria and taking into account evidence which is available against the applicant, the way the offence has been committed, if he is enlarged on bail tampering of the evidence cannot be ruled out and further running away of applicant from India also cannot be ignored. Considering the same, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

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