NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3717 of 2016

1. Sandeep Singh, S/o. Om Prakash Singh, aged about 29 years, R/o. Kanedi, Police Station – Sadat, District Gazipur (U.P.).
2. Mohan Trivedi, S/o. Rajendra Prasad, aged about 23 years, R/o. Hathouda, Police Station – Rauja, District Sahjahapur (U.P.)

----Applicants

Versus

1. State of Chhattisgarh, Through : S.H.O., P.S. - Akaltara, District Janjgir-Champa (C.G.)

---- Respondent

For Applicants	:	Mr. Awadh Tripathi, Advocate
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.105/2016, registered at Police Station – Akaltara, District- Janjgir-Champa (C.G.) for the offence punishable under Section 420, 409/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that that a report was made by Balkrishna Chandel that he obtained life insurance policy for his family under the Reliance Life Insurance on 28.07.2014 and insurance was to be matured after 15 years. Accordingly, initially on 28.07.2014, Rs.49,971.84 was deposited which was given to one

Shridhar, who was working as an agent for the company, however, receipt was not given. Thereafter, he was made to talk with one Ravendra Singh Chauhan and Ravendra Singh Chauhan explained about the entire policy and also encouraged him for further investment in the company. Certain phone calls were received on the different numbers bearing No. 8130953764, 08285961683, 07836921703, 09211298901, 09210962968, 09717813345 and 09069695418 and on the different dates, the amount was deposited and total amount of Rs.30.00 lakhs was deposited in the different accounts of Jammu & Kashmir Bank, Federal Bank Rajnagar, Bank of India, Dena Bank, IDBI Bank etc. by RTGS. When the receipt was asked for of Rs.30.00 lakhs, which was not given. Further when the complainant wanted the receipt, it was explained unless he made to pay further amount, the entire amount of Rs.30.00 lakhs, which is deposited shall not be returned. Thereafter, the report was made and the investigation started. During the investigation it was found that present applicant, Sandeep Singh was working as commission agent of the Reliance, who had passed the numbers of customers to the call center, which was run by Mohan Trivedi and Roshan and they used to make the call to the different customers and one Moolchand used to provide forged account number, wherein the amount was deposited. The calls were received by the customers in the name of Rashid and Ravendra, which were fake and the amount was deposited in the account, which was subsequently withdrawn and the accounts were of Union Value Services and Reliance Communication, which was owned by Raza

Ul Haq and Sanjay Sharma, who was working as traveling agent thereby, the applicant in an organized manner has committed the crime.

3. Learned counsel for the applicants submits that no evidence has been collected by the prosecution that the applicants have been involved in the crime. He further submits that the applicant No.1 is working as Development Associates at Reliance Communication and no policy has been obtained from his code. It is further submitted that the applicant No.2, Mohan is working in the call center, and Roshan is running the call center and Roshan has not been arrested and neither Shridhar has been arrested. It is further submitted that there is no evidence is available against the applicant No.2, Mohan Trivedi and only on the basis of presumption, they have been arrested. It is further submitted that neither the money was transferred in the account of the applicants nor any single call was made by the present applicants and the seizure, which was made from the applicant has not been part of the charge sheet as the phone calls were not made from the seized phone, therefore, the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel appearing for the parties.

6. Perused the case diary and documents as also the seizure made. Memorandum of both the applicants are examined, which shows that Sandeep Singh used to provide the number of the account

holders of Reliance Insurance to the call center, which was running by Roshan and applicant No.2, Mohan used to call the persons and asked them to deposit the amount in the account, which is being provided, which was not actually that of the Reliance Communication. Therefore, it appears that the applicants in an organized manner used to provided the information of the customers to the call center and the call center used to call the customer in the different names and the amount was deposited in the other account, which was not of the Reliance. Taking into the documents, which is on record and the way the offence has been committed in an organized manner, I am not inclined to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Balram