

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 321 of 2017

- Rohit Sharma S/o Baldev Kishan Sharma Aged About 26 Years R/o C-141 D.D.A. Flat Panjabi Camp Jahangirpuri Delhi, Police Station Mahendrapark, Delhi- 110033. --- **Applicant**

Versus

- State of Chhattisgarh Through District Magistrate Bilaspur/ Police Station Civil Line Bilaspur, District- Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. S. C. Verma, Advocate
For the Respondent	:	Mr. Anupam Dubey, Panel Lawyer
For the objector	:	Mr. Sanjay Patel, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 529/2016 registered at Police Station Civil Line, Bilaspur, Distt. Bilaspur (C.G) for the offence punishable under Sections 420, 120-B, 34, 465, 467, 468, 471 of IPC and section 66, 66 (Ga) (Gha), 73, 74 of the I.T. Act.
2. As per the prosecution case, the complainant opened a firm named and styled as Pride International and sought information for franchise of Yum brand (KFC) by E-Mail which was received by co-accused Niren Chaudhari. In response thereto the complainant firm received a process letter for franchise outlet. Subsequently, the requisite documents and the requirements was again sent back to the said E-Mail and initially the accused Company has requisitioned Rs. 12 lakhs towards franchise fee, which was deposited in the account of

Axis Bank and it was shown in the website. Subsequently, it was stated that the outlet franchise fee is Rs.2 crores but since the area of Bilaspur do not have any brand KFC outlet, as such the the payment of security amount of Rs.50 lakhs would be made. Thereafter, 3-4 persons came to Bilaspur, surveyed the site and measured the area and again certain amounts were deposited. The person had stayed in hotel Courtyard Mariyat. Subsequently certain process letter and fee were again requisitioned which was again deposited. Later, it was stated that another Company has objected to such grant of KFC outlet and the amount of Rs.1,50,00,000/- (one crore and fifty lakhs) was asked for. The complainant refused to pay further amount, therefore he was asked to pay the amount for the legal fee and also subsequently he was advised to pay the amount of Rs.50/- lakhs to the employees of objecting Company and it is alleged that on different points of time, Rs.50 lakhs was deposited. The complainant further came to know that the officers of KFC had come to Raipur and when he met them it was revealed that no actual KFC outlet is being granted and the applicant who is brother-in-law of Vishal @ Deepak @ Samrat Kashyap in connivance with each other projected different persons to be the employees of KFC and got the area surveyed on different points of time and prepared fake e-mail accounts/identity of different people and on the basis of forged documents have cheated the complainant. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that it is a case of completely civil nature and since the complainant had back-stepped to pay security amount for franchise of

Yum Brand KFC, different technical bids and meetings were held. However, the complainant could not deposit the amount as was eventually asked for by Taco Bell Company as such, the franchise outlet could not be granted. It is stated that on different points of time officers of the Yum Brand (KFC) visited Bilaspur site and certain meetings were held and initially an agreement was entered, thereafter survey and measurement of the area were made but because of the fact that the applicant has stepped back to pay the amount of security, the outlet franchise could not be granted, therefore, it is an out and out case of a civil dispute and the applicant having not committed any offence, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused different documents, the charge sheet and memorandum statements of different accused. A collective reading thereof would show that the present applicant is one of the close relative of Vishal @ Deepak @ Samrat Kashyap. It shows that the other co-accused conspired themselves and projected to be the officers of KFC, their photographs and names were uploaded on the basis of forged documents prepared by them and thereafter on different dates visited Bilaspur city to project that the KFC franchise outlet is being granted to the complainant and initial surveys were also made. The documents so collected from the present applicant are with respect to certain bills which would go to show that certain cash receipts of KFC Company were recovered. The memorandum statement of the co-accused along-with documents seized would show that the ID proofs which were held by different accused appear to be forged

and one of the accused on earlier occasion also similarly cheated different people on the pretext of providing or installation of towers. Subsequently, the present offence of similar nature was committed. Considering the documents and statements together and the way the offence has been committed, it appears that the applicant along with his relative projected themselves to be the officers of KFC and by preparing forged documents and fake E-mail IDs received money from the complainant.

6. Considering the role played by the present applicant in connivance with other accused and the way the organized offence has been committed, I am not inclined to allow this bail application. Accordingly, this bail application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**