

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2812 of 2017

- Shekhar Mandal S/o Miththu Mandal, Aged About 23 Years R/o Village Sukjora, Police Station Sarath, District Devghar, Jharkhand.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station D.D. Nagar, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Devershi Thakur, Advocate
For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/11/2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 254/2016 registered at Police Station- D.D. Nagar, Raipur District – Raipur(C.G.) for the offence punishable under Section 420 of the Indian Penal Code (for short 'IPC') and Section 67 of the Information Technology Act (for short 'I.T. Act').
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case by the prosecutrix and he is in jail since 01.01.2017. There is no evidence against him in the prosecution case. It is also submitted that although, the application for regular bail is

rejected by the trial Court but the fact remains that both the parties have entered into the compromise and the said fact may be taken into consideration, hence, prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that presently numbers of cases of cheating and fraud are being reported and there is likelihood that applicant may be the one, who has cheated a number of persons. Further, it is submitted that the applicant is a resident of other State. In the investigation, 14 SIMs and 8 mobile phones were also seized, which shows that the applicant had been engaged in commission of similar offences, hence, for these reasons, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. On a complaint made by Manohar Sahu that he received a call on his mobile informing him that his ATM card is going to be blocked, on account of which he gave the details of his ATM card to the caller and based on which firstly a sum of Rs.14,399/- and thereafter Rs.48,428/- were withdrawn. After coming to know that the fraud has been committed by applicant, a complaint has been lodged and on the basis of which FIR has been registered and after completion of investigation, charge-sheet has been filed.
6. Considering the submissions made and contents of the case diary and further considering the fact that number of offences of similar nature are being committed each and every day and looking to seizure recovery of articles made from the applicant, his involvement in commission of similar other offences cannot be ruled out. Therefore, this Court is of the view that this is not a fit case where the applicant should be enlarged on bail.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha