

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4040 of 2017**

1. Rafique Ansari, S/o Shri Andu Miya, Aged About 51 Years, R/o Village Jhilwa, Tahsil & Police Station Madhupur, Civil & Revenue District Devdhar, Jharkhand.
2. Saiyyad Hussain, S/o Shri Zahur Shah, Aged About 35 Years R/o Village Jhilwa, Tahsil & Police Station Madhupur, Civil & Revenue District Devdhar, Jharkhand.
3. Saddam Ansari, S/o Shri Rafique Ansari, Aged About 25 Years, R/o Village Jhilwa, Tahsil & Police Station Madhupur, Civil & Revenue District Devdhar, Jharkhand.
4. Mukesh Yadav, S/o Shri Sahdev Yadav, Aged About 18 Years, R/o Village Jhilwa, Tahsil & Police Station Madhupur, Civil & Revenue District Devdhar, Jharkhand.

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Pithora, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Shri J.A. Lohani, Advocate.
For Non-applicant/State	: Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****25.09.2017**

Heard on IA No.04/17 for withdrawal of bail application for Applicant No.04

On due consideration, IA No.04/17 is hereby allowed, the instant MCRC stands withdrawn so far as it relates to Applicant No.04.

Heard the matter finally for Applicant No.01, Applicant No.02 and Applicant No.03.

2. Learned counsel for the Applicant No.01, Applicant No.02 and Applicant No.03 would submit that all the above applicants were arrested on 02/03/2017 in connection with Crime No.08/17 by the Pithora Police, Distt. Mahasamund (C.G.) under Section 419, 420 & 120B of the Indian Penal Code and Section 66C & 66D of the Information Technology Act, 2000.

3. Learned counsel for the applicants would submit that after investigation police had filed charge-sheet and also supplementary charge-sheet which has been registered as Criminal Case No.132/17 before the Judicial Magistrate First Class, Mahasamund (C.G.). Learned counsel for the Applicant No.01, Applicant No.02 and Applicant No.03 would submit that mobile number of complainant is 9630202333. He had received call from no.8407831386, as per allegation from the account of the complainant Rs.43748/- has been withdrawn and Rs.9750/- returned on 09/01/2017 the accused who is responsible for said act is not behind the bars, as the aforementioned mobile number does not belongs to any of the applicants, police had seized mobile number along with ID-Proof of the applicants. There is no phone call by the number belongs to applicants. The impugned SIM has not been seized from any of the applicants, police had not taken call detail of the said mobile number. The amount withdrawn from the account has not deposited in the applicant's account and whatever argued on behalf of the respondent/State is not the part of the charge-sheet. Hence, the instant MCRC may be allowed, Applicant No.01,

Applicant No.02 and Applicant No.03 may be granted bail.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicants and would submit that the amount so withdrawn from the account of the complainant deposited in the account of applicants, prima-facie sufficient to connect applicants with the offence.

5. Perused the entire matter.

6. On consideration of the facts surfaced against the applicants, I am not inclined to grant the bail to the applicants.

7. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge