

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7125 of 2017**

- Vivek Kumar S/o Samnugrah, Aged About 24 Years R/o Village Ghosarwa, Police Station Gariya, District Nalanda (Bihar)

----Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh

---- Respondent

And**MCRC No. 7365 of 2017**

- Avinash Kumar Alias Guddu Alias Ajay Pandit S/o Shri Ram Sharan Prasad, Aged About 27 Years R/o Village Maghra, P. S. Deep Nagar, District Nalanda (Bihar)

---- Applicant

Versus

- State of Chhattisgarh Through District Magistrate Mahasamund Chhattisgarh

---- Respondent

For respective applicants	:	Shri B.P. Singh & Shri P.R. Patankar, Advocates
For Respondent-State	:	Shri Ashish Shukla, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****14/12/2017**

1. Since both the bail applications are arising out of the same crime no. they are decided together by this common order.
2. These are the First Bail Applications filed under Section 439 of the Code of

Criminal Procedure for grant of regular bail to the applicants who have been arrested on 21.07.2017 in connection with Crime No. 219/2017 registered at Police Station Saraipali, Distt. Mahasamund (CG) for the offence punishable under Sections 420, 467, 468, 419, 120-B/34 of the I.P.C. and Section 66 (C) of the Information Technology Act.

3. As per the prosecution case, a report was made by one Sanjay Kumar Agrawal that his son Deepak had received an offer to get the distributionship of the Patanjali products and for that Voter I.D., Adhar Card, Pan Card etc. were demanded and thereafter different amounts in the accounts bearing Nos.35383650466 & 35993403512 totaling to amount of Rs.9,85000/- was deposited. Thereafter, it was found to be fake. During the investigation it was revealed that another similar nature of crime is reported to be registered at Police Station Noorsarai, Nalanda, Bihar and in that case a mobile No.8745031475 was used, which was of one Ashok Chaudhari. Subsequent investigation revealed that the applicant Avinash Kumar @ Guddu (in M.Cr.C. No.7365/2017) had opened an account in the State Bank of India in name of Alok Ranjan and from his possession certain photographs were found, which was of the Avinash @ Guddu and in the account opening form the mobile no. was given 8745031475. Thereby he was involved in the conspiracy. Likewise, with respect to the applicant Vivek Kumar (in M.Cr.C. No.7125/2017) it was revealed that the same phone no. i.e. 8745031475 was used from the mobile phone of this applicant Vijay Kumar which came to know on the basis of the IMEI No.
4. Learned counsel for the applicant Vivek Kumar would submit that this applicant was having different mobile numbers i.e.7319804014 and once the co-accused has called which was bearing mobile No.963122249 to him except that no evidence is on record. He would further submit that he is a student, therefore, he may be released on bail. Likewise, learned counsel

for the applicant Avinash Kumar @ Guddu would submit that there is no evidence against him and the mobile which was alleged to be used in the crime belongs to one Ashok Chaudhary and it was not of Avinash Kumar @ Guddu, therefore, no offence is made out against him and he may also be released on bail.

5. Per contra, state counsel opposes the prayer for grant of bail.
6. I have perused the case-diary. The investigating Officer, who was called in person is also present before the Court and has explained the facts. It appears that the phone no.8745031475, which was seized and used in the crime belongs to one Ashok Chaudhary and prima facie the same no. was used for identification to open bank account by the applicant Avinash Kumar @ Guddu. Taking into such facts at this stage, I am not inclined to release the applicants on bail. Accordingly, both the bail applications are dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu