

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1992 of 2017

- Ramavtar S/o S/o Shri Babu Lal Gupta, Aged About 35 Years
R/o 1/8, Phase 01, Buddh Vihar, North Delhi 86, India.
--- Petitioner

Versus

- State of Chhattisgarh through the Police Station Balod,
District - Balod, Chhattisgarh
--- Respondent

For the applicant	:	Mr. Arjun Yadav, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.04.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 169 of 2016 registered at P.S. Balod, Distt. Balod (C.G) for the offence punishable under Sections 420, 467/34, 468/34, 471/34 & 120-B of IPC.
2. As per the prosecution case, an advertisement was made in the daily newspaper of *Nai Duniya* on 07.04.2016 whereby certain offer was made to install the mobile tower of AIRCEL company with the condition that if the person authorizes to install the tower in his land, in such a case, he would be paid huge amount. Certain account numbers were further given to different people and deposits were made. One Prem Sahu complainant has deposited Rs.2300/- in the account of one Karan Singh and thereafter it was found that it was a fake advertisement and the present applicant was the main conspirator who invited different people to deposit the

amount in different accounts and withdrew the same thereby the offence has been committed.

3. Learned counsel for the applicant would submit that in this case fraud is only of Rs.2300/- which was deposited in the account of Karan Singh and the Karan Singh has not been made accused. It is further submitted that no deposits were made in other accounts and only for the meagre sum of Rs.2300/- the applicant has been in jail. He further submits that one of the accused Hitesh has been enlarged on bail by Hon'ble the Supreme Court and the case of the present applicant is also similar to that of co-accused Hitesh, therefore, the applicant may be enlarged on bail
4. Per contra, learned State Counsel opposes the bail and submits that from the present applicant different ATM cards of SBI, Axis Bank, ICICI banks etc., and fake identity cards and PAN cards and different SIMS of mobiles were recovered, therefore, he was the main conspirator and his case is different from that of other accused Hitesh who has been enlarged on bail.
5. Perused the case diary and the seizure memo. The seizure memo would show that from the possession of applicant, 5 mobiles, 15 fake voter ID cards, 15 PAN Cards and 23 pieces of SIMs as also 5 ATM cards of SBI, 1 ATM card of ICICI Bank, 3 ATM cards of Axis Bank and one ATM card of Kotak Mahindra and one ATM card of Oriental Bank of Commerce were recovered which were in different names. Apart from that, certain cash was also recovered from him. Therefore, taking into nature of such recovery, the case of the present applicant Ramavtar cannot be said to be similar to that of other accused Hitesh and Manav who have been directed to

be enlarged on bail on the basis of similarity of allegations.
Hence, I am not inclined to release him on bail. Accordingly,
this bail application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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