

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 648 of 2018**

1. Manish Chouhan S/o Ashok Singh Chouhan Aged About 26 Years R/o Kapasehada, New Delhi, P.S. Kapasehada District New Delhi, District : New Delhi, Delhi
2. Sushil Mishra S/o Kamlesh Mishra Aged About 24 Years R/o Saidabad, P.S. Utrao Distict Allahabad (U.P.), District : Allahabad, Uttar Pradesh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Ramanujnagar, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 855 Of 2018**

Devdutt Shukla S/o Ramabhilash Aged About 29 Years R/o Village Babriha, Police Station Sangipur, Post Pratapgarh District Pratapgarh U P (Wrongly Written As C G), District : Pratapgarh, Uttar Pradesh.

---- Applicant**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station Ramanujnagar, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Jitendra Shrivastava and Shri Shakti Raj Sinha, Advocates.
For the Respondent/State	:	Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.02.2018**

1. Both these applications are decided by a common order as they arise from the similar matter. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with

Crime No.216 of 2017, registered at Police Station Ramanujnagar, District – Surajpur, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 201 and 406/ 34 of the Indian Penal Code and Section 66D of the Income Act.

2. Learned counsel for the applicants submit that the applicants in both the cases are in jail since 18.12.2017 and they have been falsely implicated in these cases. The allegation in the FIR regarding the deposit made by the complainant in the account number of one Company, namely, Smart Sewa Solutions does not belong to these applicants. The applicants are neither benefited from the said deposit nor they have any connection with the said Company which is standing in the name of one Pramod Singh. Apart from the memorandum statement of the applicants, there is no other evidence available in the case-diary or in the charge-sheet. After completion of investigation, the charge-sheet has been filed. The applicants are ready to abide by all the conditions that may be imposed on them. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the applicants in both the cases have admitted in their memorandum statement that they were running a network to commit fraud and cheating and obtained deposits from various persons, this shows that the applicants are a part of big racket involved in such offences. Some articles have been recovered at the instance of these applicants showing that they had been

using various mobile SIM cards, computers, laptops etc., which shows their involvement in the crime in question. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. Taking into consideration all the material present in the case-diary, it seems that the main evidence for prosecution against these applicants is the memorandum statement given by themselves and the co-accused persons. Some investigation which should have been taken up by the prosecution, has been left out. Hence, under these circumstances, these applications deserve to be allowed.

6. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge