NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 814 of 2018

Smt. Meenakshi Shrivastava, W/o. Kumar Abhishek, Aged About 37 Years, R/o. Flat No. 601, R.N. Enclave, Kranti Factory Road, Gandhinagar, Kankad Bag, Patna, District -Patna, Bihar.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station: Civil Lines, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. N. Naha Roy, Advocate
For State/respondent	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/04/2018

1. This is the 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.608/2013, registered at Police Station – Civil Lines, Raipur, District – Raipur (C.G.), for the offence punishable under Section 420, 468, 471, 34 of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 12.04.2017. In between on prayer made by the applicant, she

was released on temporary bail and after the time limit prescribed for temporary bail, the applicant has again surrendered before the Court and presently, she is under detention. It is submitted that according to the material present in the charge-sheet, no case is made out against her. In a similar case registered against this applicant, which is pending in a Court at New Delhi, she has been granted bail by the concerned Court. This applicant has responsibility of her minor children and she is ready to abide by all the conditions imposed for grant of bail. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according to the evidence collected in this case during the investigation, this applicant has been identified as the person, who made telephonic calls asking the complainant to make deposits in account of one Mubarak Ansari. Further the evidence collected in the investigation is that the passbook of the said Mubarak Ansari has been recovered from the possession of this applicant, hence looking to the enormity of the offence and the possibility of this applicant having committed a number of similar crimes, she is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.

5. According to the prosecution case, the complainant Arvind Kumar, applied for on-line job in the website of Central Ocean Regulatory

Authority published on website in the year 2012. After submission of his on-line application, he received a telephone call from one Sangeeta Sharma, claiming herself to be a PRO of the said concern and she induced the complainant to make a deposit of Rs.2.00 lakhs in a given account to make sure of his appointment to the post applied for. Being induced, the complainant deposited Rs.1,35,000/- in the account of one Mubarak Ansari in Punjab National Bank, Branch- Barhi, District – Hazaribag (Jharkhand). Subsequent to that complainant received appointment letters about his posting in Muwattupujha, Ernakulam in Keral state in the said Central Ocean Regulatory Authority concern of Government of India. When the complainant arrived on the address given, he found that there was no such concern of Government of India and that he has been cheated. FIR was lodged subsequent to that and during the investigation, the bank account of said Mubarak Ansari has been seized from the possession of this applicant and the accounts detail also confirms the deposit made. The real Mubarak Ansari has also been traced out as he was not found connected in the offence, he has been made a witness in the case.

6. Considered on the submissions made and the contents of the case diary. Considering on the material present in the case diary, the manner in which the offence has been committed, it appears that it is a huge racket and the offence of cheating is being committed in a highly organized manner. It appears that numerous persons, who have been cheated have not come forward to make a complaint, hence, it does not appear that it is a case of no evidence against the

applicant and she has to explain the seizure of the fake bank account passbook from her possession. Hence for this reason, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

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

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram