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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.1191 of 2018**

Naushad Abdul Manan Khan, S/o Abdul Manan Khan, aged about 34 years, R/o Manan Chal, Diwan Shah Bhivandi, Thane Maharashtra, P.S. Bhivandi Thane (Maharashtra)

---- Applicant

versus

State of Chhattisgarh through Thana Incharge P.S. Pandri, District and Tahsil Raipur, Chhattisgarh

---- Respondent

M.Cr.C. No.1474 of 2018

Santosh Kumar Sahu, S/o Late Shri Kishorilal Sahu, aged about 30 years, occupation business, R/o Qr. No.A4, Plot No.25A, Bhagwati Garden Jain Road Dwarika New Delhi Uttam Nagar, House of Harpal Singh, Mobile No.94243 42686, Aadhar No.2628 2294 0249

---- Applicant

versus

State of Chhattisgarh through Police Station Pandri, Mowa, District Raipur, Chhattisgarh

---- Respondent

M.Cr.C. No.1476 of 2018

1. Girja Shankar Rao, S/o Ramneti Rao, aged about 34 years, R/o Village and Post Barma, Ratanpur, Tahsil Khadda, Thana Khadda, District Kusipara, Presently R/o Tanvi Plaza, House No.201, D.I.W.A., East, Thana Thane, District Thane, Maharashtra
2. Krishna Dev, S/o Ramashankar Singh, aged about 26 years, R/o Village Nimbu, Post Sardarpur, Tahsil Rasra, Baliya, U.P., presently R/o House of Virendra Kumar, S/o Raunik Ram, RJD, 14 A Gandhi Market, SW, Delhi West
3. Abhishek Mishra, S/o Durgesh Shrivastava Mishra, aged about 35 years, R/o E.D. 764, Sector Q Ali Ganj U.P. presently R/o House of Virendra Kumar, RJD 14 A Gandhi Market, Thana Sagarpur, Delhi West Sagarpur

---- Applicants

versus

State of Chhattisgarh through Thana Incharge P.S. Pandri, District and Tahsil Raipur, Chhattisgarh

---- Respondent

and

M.Cr.C. No.1583 of 2018

Virendra Jaiswal, S/o Shri Rajkumar Jaiswal, aged about 35 years, occupation business, R/o Thakur Compound, Sonar Para, Flat No.102, Dombiwali, East, P.S. Manpada, District Thana, Maharashtra, Mobile No.97022 22128, Aadhar No.6747 3586 0721

---- **Applicant**

versus

State of Chhattisgarh through Police Station Pandri, Mowa, District Raipur, Chhattisgarh

---- **Respondent**

For Respective Applicants :	Smt. Fouzia Mirza and Shri C.R. Sahu, Advocates
For Respondent/State :	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board**

17.4.2018

1. Since the Applicants of the above-mentioned bail applications relate to a common crime number, the applications are heard and decided together.
2. Present 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 in connection with Crime No.274 of 2017 registered at Police Station Pandri, District Raipur for offence punishable under Sections 420, 511, 419, 464, 467, 468, 471, 120B of the Indian Penal Code, Sections 66C and 66D of the Information Technology Act, Sections 4, 20, 25 of the Indian Telegram Act and Sections 3 and 6 of the Indian Wireless Telegram Act (under Section 451 of the IPC).
3. Case of the prosecution, in brief, is that a written report was submitted by Roshan Lal Batra stating that on 10th-11th of August, 2017, he received a call on his mobile number 7389032043 from an unknown person from mobile number 9311622931. On the call

received, he was communicated that he had won a lottery of Rupees Twenty Five Lakhs and for sending the amount of lottery to him, he will have to pay processing fee of Rupees Fifty Thousand and give his bank account number. When he doubted and refused to take money of the lottery, he was given frequent mobile calls from different numbers. He, under an impression that a forgery is being tried to be committed with him, submitted the above-stated written report. On the report, aforestated Crime No.274 of 2017 was registered at Police Station Pandri, District Raipur. During investigation, it revealed that Vipul Tandon, Dinesh Tandon, Naushad Abdul, Virendra, Rajkumar Jaiswal, Girja Shankar, with a common intention, conspiring, used documents of others, created a forged company, got issued sim cards in bulk under corporate scheme in the name of the said company and using those sim cards for VOIP calls, operated a parallel telephone exchange and thereby caused loss of revenue to the Government. After arrest of the accused persons, charge-sheet has been filed against them for the aforementioned offence.

4. Learned Counsel appearing for the respective Applicants submit that the Applicants have been falsely implicated in the case. Main accused are Vivek Tandon and Vipul Tandon. The Applicants never made any telephonic call to the Complainant. No mobile number of the Applicants was used in making the alleged telephonic calls to the Complainant. No mobile call service provider has made any complaint. Applicant Abhishek is in custody since 2.10.2017 and rest of the Applicants are in custody since 1.10.2017. Charge-sheet has been filed. The offences are

triable by a Judicial Magistrate First Class. Trial will take a long time. Therefore, the Applicants may be released on bail.

5. Learned Counsel appearing for the State opposes the bail applications.
6. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
7. Taking into consideration the arguments advanced and the facts and circumstances of the case, particularly, the facts that main accused are Vivek Tandon and Vipul Tandon, charge-sheet has been filed, the offences are triable by a Judicial Magistrate First Class, trial is likely to take time, Applicant Abhishek is in custody since 2.10.2017 and rest of the Applicants are in custody since 1.10.2017, without further commenting on merits of the case, I am inclined to enlarge the Applicants on bail.
8. Accordingly, all the bail applications are allowed.
9. It is directed that the Applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rupees Two Lakhs with two local solvent sureties each of Rupees One Lakh to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE