

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1630 of 2018**

Gourav Raj, S/o. Arvind Kumar Singh, Aged About 22 Years, R/o. Mohajamma, Post -Laxmipur, P. S. Mahuva, Dist. Vaishali Bihar.

Presently R/o 2/122 Vijaykhand, Gomti Nagar, P. S. Gomti Nagar, Dist Lucknow, U.P., District : Lucknow, Uttar Pradesh

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For State/respondent	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/06/2018**

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.216/2017, registered at Police Station – Ramanujnagar, District – Surajpur (C.G.), for the offence punishable under Section 420, 467, 468, 406, 201, 34 of the Indian Penal Code and Section 66-D of the I.T. Act.
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 18.12.2017. Similarly placed co-accused persons namely Manish Chauhan, Sushil Mishra and Devdutt Shukla have been granted anticipatory bail by this Court, hence, it is prayed that this applicant may also be enlarged on regular 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 this applicant has a different case and there is evidence that mobile number registered in his name was used for the commission of offence regarding which evidence has been collected in the investigation. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against the applicant is this that the calls were made on behalf of one Smart Save Solutions to various persons to make deposit for registration and purchase of POS machine in this manner and total of Rs.2,16,752/- was deposited by the complainant Phalendra Kumar Rajwade. Subsequently, he came to know that he has been cheated then he has lodged FIR.
6. One mobile number 9899106962 has been used for the commission of offence, which is registered in the name of this applicant. The said mobile has not been seized in the possession of this applicant and the question is being raised on behalf of the counsel for the applicant that simply for the reason that mobile number is registered in the name of this applicant does not mean that this applicant is involved in the alleged commission of crime.
7. Considered on the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and looking to this fact that similarly placed co-accused has been enlarged on bail by this Court and the case is before the trial Court,

hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge