

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC(A) No. 373 of 2018

(Arising out of Crime No.88/2017 registered by P.S. Khamhariya, Distt. Bemetara (C.G) for the offence punishable u/s 420 of IPC and section 66 9D) of Information Technology, Act, 2000)

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Akanan Kumar Bhokla S/o Bindeshwari Prasad Bhokla Aged About 28 Years R/o Village Pipra, Post Sirsa, Thana Madhupur Karo, Distt- Devghar Jharkhand. --- **Petitioner**

Versus

State of Chhattisgarh through P. S. Thana Khamhariya, District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh --- **Respondent**

27.06.2018	Mr. Samir Singh, counsel for the applicant. Mr.Suryakant Mishra, P.L., for the State. Apprehending arrest in connection with Crime No.88/2017, the applicant has filed this application u/s 438 of the Code of Criminal Procedure, As per the prosecution case, a report was made by Kirtan Mandle that he has received a phone call from an unknown person that his ATM card would be blocked on which he gave some information of his bank account and mobile number, subsequently an SMS has been received regarding withdrawal of Rs.14,000/-. When a report was lodged, it was found that the amount was transferred in the account of the present applicant. Learned counsel for the applicant submits that the applicant runs a hardware business and if some amount has been transferred in his account, he cannot be directly held responsible and there is no evidence to the fact that he made phone call.	

R a o	Learned State Counsel opposes the bail application. Perused the case diary. The document collected during investigation shows that the amount after withdrawal came to the account of the present applicant. Considering the fact that the investigation is still going on, I am of the opinion that it is not a case where the benefit of section 438 can be extended. Accordingly, this bail application is rejected. Sd/- GOUTAM BHADURI JUDGE	
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