

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 381 of 2018**

1. Manish Chouhan S/o Ashok Singh Chouhan Aged About 26 Years R/o Kapasehada Police Station Kapasehada District New Delhi., District : New Delhi, Delhi
2. Sushil Mishra S/o Kamlesh Mishra Aged About 24 Years R/o Saidabad Police Station Utrav, District Allahabad, Uttar Pradesh., District : Allahabad, Uttar Pradesh
3. Devdutt Shukla S/o Ramabhilash Aged About 29 Years R/o Village Babriha, Police Station Sangipur, Post Pratapgarh District Pratapgarh, Uttar Pradesh., District : Pratapgarh, Uttar Pradesh.

---- Applicants**Versus**

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

---- Respondent

For the Applicants : Shri Shakti Raj Sinha, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.04.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 11 of 2018, registered at Police Station – Jhilmili, District – Surajpur, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code and Section 66D of the I.T. Act.

3. It is submitted by counsel for the applicants that the applicants have been falsely implicated in this case. A similar offence was registered against the applicants as Crime No. 216 of 2017 in P.S. Ramanujnagar, Surajpur in which they have been granted bail by this Court in M.Cr.C. Nos. 648 of 2018 and 855 of 2018 by order dated 15.2.2018. On similar set of facts, another complaint was made and FIR has been lodged on 18.1.2018. As this Court has found on merits that the applicants were entitled for bail in the case registered on the basis of similar set of facts, hence, it is prayed that the applicant be benefited with grant of anticipatory bail in this case as well.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. It is alleged against the applicants that they have been working in the Smart Save Solutions and on behalf of that Company they used to make calls to various persons asking to make deposits for registration and further phone calls were made to induce the complainant and others to make deposits for purchase of micro ATM POS machine, which were deposited by the complainant and others. Thereafter, on their asking complainant made security deposit of Rs.12,900/- further for activation charges and for purchase of software Rs.25,900/- was also deposited. In the same way, on various pretext, the phone calls were made to the complainant and in total Rs.1,46,300/- was deposited by him on such inducement given. When the complainant came to know of the fraud, he lodged the FIR. The applicants

were traced during the investigation as they were arrested in connection of similar offence previously.

7. Considering the entire material present in the case-diary and the nature of evidence that is proposed against the applicant for his prosecution, I feel inclined to grant anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge