

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3235 of 2018**

Lucas @ Abraham S/o Johnson Aged About 28 Years R/o- 36
Igumbor, Street- Igboire OB, Delta State, Ica South Loca
Government, Egvo Nigeria. Present Address- Mohan Block, Gali
No. 7, Sagarpur, New Delhi.

---- Applicant

Versus

State Of Chhattisgarh Through- District Magistrate, Durg, District-
Durg, Chhattisgarh And Through P.S. Supela Thana- Bhilai, District-
Durg, Chhattisgarh.

---- Respondent

For applicant - Smt. Fouzia Mirza, Advocate.
For Respondent/State – Shri Anil Pillai, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order****15/05/2018**

1. This is second bail application under section 439 of Cr.P.C. The earlier bail application was dismissed on 25/01/2016 vide M.Cr.C. No.151 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.397/2015 registered in Police Station Supela, Distt. Durg (C.G.) for offence punishable under sections 420, 467, 468, 471, 34 of IPC and sections 66, 66(D) of Information & Technology Act.
3. As per the prosecution case one Sunil Kumar of Dinesh Trading Company transferred an amount of Rs.25 lakhs in account of Zindal Power Plant by RTGS. In route of transfer entire account was hacked and the amount was deposited in the account of one Manoj Kashyap which was bearing No.33204138003. Said Manoj Kashyap on being interrogated came out name of Lucky @ Rijwan. On his instruction account was opened and amount were being transferred and 5% commission was

given. Further on interrogation of Lucky name of Manish Sharma, Parvindar and Shilpa recovered that they are also involved. Subsequently, when Shilpa was interrogated name of Samir @ Akram came to fore. On the memorandum of Samir it came to fore that applicant is main culprit who has hacked the accounts and transferred the amount. Therefore, applicant has been arrested.

4. Learned counsel for the applicant submits that out of 19 witnesses, 10 witnesses have been examined and 9 witnesses are still to be examined, they are not turning up and the offences are triable by JMFC, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail and would submit that the applicant is resident of Nigeria and charge sheet shows that name in which passport was submitted there is no passport exist.

6. Considering the fact that whereabouts of the passport is not authenticated, the applicant who apparently appears to be foreign national of Nigeria, if he is enlarged on bail his presence cannot be procured, therefore this court is not inclined to release the applicant on bail.

7. Accordingly, the second bail application is dismissed. Prosecution is directed to expedite the trial as early as possible within reasonable time.

Sd/-

(Goutam Bhaduri)

JUDGE