

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4146 of 2018

Vivek Tandon @ Vikkey S/o Shri Dinesh Tandon, aged about 34 years, R/o House No. 476, Vijay Laxmi Nagar, Tahsil Sitapur, Karvan District Sitapur (U.P.), at present R/o Flat No. A-4, Plot No. 25-A, Bhagwati Garden, Jain Road Dwarika Mod, New Delhi, P.S. Uttam Nagar, Permanent R/o Flat No. 201, Shri Plaza Building, Thakur Compound, Om Sai Mandir, Sonar Para Dombiwali, East Kalyan Thane, Maharashtra, Nagpur (Maharashtra).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station, Pandri Distt. & Tehsil Raipur (C.G.)

---- Respondent

For Applicant	:	Ms. Fouzia Mirza, Advocate
For Respondent	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

13/07/2018

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 274/2017 registered at Police Station- Pandri, District- Raipur (C.G.) for the offence punishable under Sections 419, 420, 464, 467, 468, 471, 511 and 120 (B) of IPC & Sections 66 (C) , 66 (D) of I.T. Act and Sections 4, 30, 25 of the Indian Telegraph Act and Sections 3 & 6 of the Indian Wireless and Telegraphy Act.
2. As per prosecution story a written report was lodged by one Roshan Lal stating therein that on 10-11/08/2-17, he received a call on his mobile no. 7389032043 from any unknown person from mobile no. 9311622931. On the call, the complainant was told that he has won a

lottery of Rs. 25 lacs and he was further told that he will have to pay the process fee of Rs. 50,000/- and also to give his bank account number, but when he refused to do so, frequent calls were made to him from different numbers. Thereafter, he under an impression that a forgery is being tried to be committed with him submitted the above-stated written report. On the basis of said report, aforesaid crime was registered by the police. During investigation, it revealed that the present applicant along with Dinesh Tondan, Naushad Abdul, Virendra, Rajkumar Jaiswal, Girja Shankar with a common intention of conspiracy 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 present applicant, charge-sheet has been filed against him for the aforementioned offence.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant never made any telephonic call to the complainant. Entire story made by the complainant is mala-fide. The mobile of the applicant has not been used for the alleged offence. No legal evidence has been adduced to substantiate the alleged offence against the present applicant. She further submits that co-accused Naushad Adhul Manan Khan has already been enlarged on bail by this Court in MCRC No. 1191/2018 vide order dated 17/04/2018. The applicant is in custody since 01/10/2017 and charge-sheet has been filed, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that co-accused Naushad Adhul Manan Khan has already been enlarged on bail by this Court in MCRC No. 1191/2018 vide order dated 17/04/2018 and further considering that the applicant is in custody since 01/10/2017 and charge-sheet has already been filed, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 200000/- with two local solvent sureties each of Rs. 100000/- to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
Judge
Arvind Singh Chandel