

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4911 of 2018**

Kapil, son of Shri Rameshchand, aged about 18 years, Caste Dhobi, Resident of Shiv Vihar, Street No.2, House No.A-30, Near New Delhi Mosque, Uttam Nagar, New Delhi-59.

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Darri, District Korba (CG).

---- Non-applicant

For Applicant : Mr. Aditya Khare, Advocate

For Non-applicant : Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the copy of charge-sheet provided by the counsel for the applicant in connection with Crime No.107/2018 registered in Police Station Darri, District Korba for the offence punishable under Sections 420, 34 of IPC and Section 66-D of Information Technology Act.
3. Case of the prosecution, in brief, is that the present applicant and co-accused persons namely Sourabh Dubey, Ritupal and Mohd. Aajharuddhin were operating a gang. The co-accused Sourabh Dubey was used to give the different sims number to the present applicant/accused and co-accused Ritupal, then the applicant and co-accused Ritupal were used to call different customers and obtained information regarding secret number of credit card in the garb of verification. After obtaining the secret number of credit card from the mobile of customers, then co-accused Sourabh Dubey and Mohd. Aajharuddhin were used to transfer the cash from the account of the customers in their accounts. Co-accused Sourabh Dubey and Mohd.

Aajharuddhin were used to give the commission on account of that work to the applicant and co-accused Ritupal. On 03.05.2018, the applicant and co-accused Ritupal telephoned the complainant Tantrik Prasad Rathore and obtained information from him of his secret number of credit card. The secret number of credit card of the complainant Tantrik Prasad Rathore was given to the co-accused Sourabh Dubey and Mohd. Aajharuddhin by the applicant and co-accused Ritupal and, thereafter, transaction of Rs.1,25,000/- was done from the account of complainant Tantrik Prasad Rathore. In lieu of that work, the applicant and co-accused Ritupal had got the commission by co-accused Sourabh Dubey and Mohd. Aajharuddhin. There are memorandum statement of the applicant and co-accused Ritupal and Mohd. Aajharuddhin.

4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-