

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 135 of 2019**

Kapil S/o Shri Ramesh Chand Aged About 18 Years Caste Dhobi,
R/o Shiv Vihar, Street No.2, House No. A-30, Near New Delhi
Mosque, Uttam Nagar, New Delhi,

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police
Station- Darri, District Korba Chhattisgarh

---- Respondent**MCRC No. 759 of 2019**

Ritupal S/o Rammurat Pal Aged About 21 Years Caste Ganddiya,
R/o A/58, Shiv Vihar, Uttam Nagar, New Delhi 59,

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station Darri District Korba Chhattisgarh

---- Respondent

For applicant Kapil	Mr. Dharmesh Shrivastava, Adv.
For applicant Ritupal	Mr. S.R.J. Jaiswal, Adv.
For Respondent/State	Ms. Sangeeta Mishra, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****4-2-2019**

1. As both the above bail applications arise out of the same crime number of same police station, they are being disposed of by this common order.
2. Heard on I.A. No. 2/2019 filed in MCRC No. 135/2019 for taking additional document on record.
3. On due consideration, the application is allowed. Document is taken on record.
4. These are second bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court. Their first bail applications were dismissed vide order dated 18-9-2018 passed in MCRC No. 4911/2018 and MCRC No. 5543/2018 respectively.

5. The applicants have been arrested in connection with Crime No. 107/2018 registered in police station Darri, District Korba (CG) for offence punishable under Section 420/34 of the IPC and Section 66-D of the Information and Technology Act, 2008.
6. Prosecution story in brief is that the present applicants and co-accused persons were operating a gang. The co-accused Sourabh Dubey used to give different sim numbers to the present applicants, then the applicants 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 used to transfer the cash from the account of the customers in their accounts. Co-accused Sourabh Dubey and Mohd. Aajharuddhin used to give the commission on account of that work to the applicants. On 03.05.2018, the applicants 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 applicants and, thereafter, transaction of Rs.1,25,000/- was done from the account of complainant Tantrik Prasad Rathore. In lieu of that work, the applicants had got the commission by co-accused Sourabh Dubey and Mohd. Aajharuddhin. There are memorandum statements of the applicants.
7. Counsel for the applicants argued that the applicants are innocents are innocent and falsely implicated. He further argued that the matter has been compromised between the complainant and the applicants. This is new circumstance which may entitle the applicants for grant of bail.
8. On the other hand, the Panel Lawyer appearing for the State opposed the bail applications. However, he submits that no criminal antecedent of the applicants is reported in the police case diary.
9. As per true copy of application Annexure A-4 which is part of

MCRC No. 135/2019 complainant Tantrik Prasad has compromised the matter with the applicants and other co-accused persons. He has received Rs. 25,000/- which were drawn from his account. The fact of compromise has also been mentioned in the true copy of the order sheet of JMFC Katghora dated 12-11-2018 which is a part of the bail application MCRC No. 135/2019.

10. Looking to the new circumstances of the case and as the trial will take its own time, this Court is inclined to grant bail to the applicants. It is ordered that if each of the applicants furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that they will appear before the concerned trial Court at 11 AM as and when directed till trial and will not repeat the offence, they be released on bail.

11. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge