

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 854 of 2019

1. Shakti Pawar S/o Mr. Jiyalal Pawar Aged About 32 Years R/o M. G. 1/105, Vikaspuri, P. S. Vikaspuri, West Delhi
2. Rajeev Sharma, aged about 30 years, S/o Mr. Anup Sharma, R/o Mahaveer Vihar Colony, P.S. Kanjhawala, Delhi

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station City Kotwali Dhamtari (C.G.)

---- Respondent

AND

MCRC No. 754 of 2019

- Jyojit Sarkar S/o Maheshchand Sarkar Aged About 31 Years R/o Flat No. E-1 Jyotasana Apartment Aradanga Asansol, District Wardhaman (W. B.), Presently Residing At C 601/01 3rd Floor, Gali No. 13, Adarsh Nagar Delhi, District : New Delhi, Delhi

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police of Police Station City Kotwali, Dhamtari District Dhamtari Chhattisgarh

---- Respondent

For Applicants (In MCRC No. 854/2019): Mr. Raza Ali, Advocate.
For Applicant (In MCRC No. 754/2019) : Mr. Anil Gulati, Advocate.
For Respondent/State : Mr. DP Singh, Dy. GA.
For Objector : Mr. Vivek Sharma, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

26/02/2019

1. Since, both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with Crime no. 446/2018, registered at Police Station City Kotwali, District Dhamtari (C.G.) for the offence punishable under Sections 419, 420, 120-B, 201/34 of the IPC and Section 66-D of IT Act.
3. In this case there are total 6 accused persons. As per prosecution story, complainant Subhash Chand made a report in police station, wherein, it has been alleged that some insurance policy of him having amount of Rs. 4,72,959/- has been stopped by the insurance company due to non-payment of installments, thereafter, he received some mobile calls from different numbers, the callers introduced themselves as employees of bank and insurance company and they have told him to deposit the money as a tax amount. The complainant as do the same and deposit Rs. 85,69,054/- in different accounts as instructed by him through NEFT, RTGS and cash. Allegedly, present applicants were also involved in the said crime.
4. Learned counsel appearing on behalf of the applicants (in MCRC No. 854/2019) submits that the applicants are

innocent and have been falsely implicated in the present case. He further submits that apart from the memorandum statement of applicant Shakti Pawar there is no evidence available on record against these applicants, the said memorandum statement is not admissible. He further submits that neither the applicants known to the complainant nor any amount has been deposited in their account. The applicants in MCRC No. 854/2019 are in custody since 27.10.2018 & 28.10.2018, therefore, in these circumstances, the applicants may be released on bail.

5. Learned counsel appearing on behalf of the applicant (in MCRC No. 754/2019) also submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that Rs. 18,000/- has been deposited in his account but, the account of the applicant is the joint account with one namely Chandan. He gave his account number to applicant Shakti Pawar for some reason but the said amount which was deposited in his account was not known to him. He further submits that neither any call has been made by him nor he knows the complainant. The applicant in MCRC No. 754/2019 is in custody since 27.10.2018, therefore, in these circumstances, the applicant may be released on bail.
6. Per contra, learned counsel appearing on behalf of the State and objector opposes the bail applications.
7. I have heard learned Counsel appearing for the parties.
8. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering

the fact that in both the cases the applicants are in custody since 27.10.2018 & 28.10.2018, charge-sheet has already filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.

9. Accordingly, the bail applications are allowed.

10. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge