

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2168 of 2019

1. Rajeev Sharma S/o Mr. Anup Sharma Aged About 30 Years R/o Mahaveer Vihar, Colony P. S. Kanjhawla Delhi
2. Pradeep Pradhan S/o Mr. Dhiran Kumar Pradhan Aged About 29 Years R/o D-29/01, Mahaveer Vihar, Colony P. S. Kanjhawla Delhi

---- Applicants

Versus

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

---- Respondent

For Applicants : Shri Raza Ali, Advocate
For Respondent/State : Shri DP Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/05/2019

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 61/2019, registered at Police Station City Kotwali, District- Dhamtari (C.G.) for the offence punishable under Section 419, 420, 120-B & 201/34 of the IPC and Section 66-D of IT Act.
2. In this case there are total four accused persons. As per prosecution story, complainant of the case namely Shanti L. Netam made a report in police station, wherein, it has been alleged that in the year 2011, one insurance policy has been obtained by him and till 2016 he deposited premium. In the

month of August 2017, he received some mobile calls from different numbers, the callers introduced themselves as a employee of insurance company and bank, they have told the complainant to deposit additional money as a tax amount and as a process charge. The complainant as do the same and deposited 5,18,050/- through online payment on different dates. It is a further case of the prosecution that Applicant No. 2 Pradeep Pradhan was running a call center by the name of Perfect Vision at Delhi. Applicant No. 1 Rajeev Sharma and other co-accused persons namely Ashish Ranjan and Sanjay Gupta were also working with him. The applicants and the said co-accused persons by using forged ID's taken sim and also on the basis of said forged ID's they have opened bank account. Allegedly, the amount which was taken from the complainant and others was deposited in that forged account. Allegation against Applicant No. 1 is that he withdraw money from the said forged bank account for which some commission have been earned by him. Allegation against Applicant No. 2 is that 50% of the deposited amount was received by him. On the basis of said background, offence has been registered. The applicants are in custody since 07.02.2019.

3. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case. On the basis of evidence collected by the prosecution prima facie no offence can be made out against the present applicants. He further submits that neither the applicants known the complainant nor any amount has been deposited in their accounts. He further submits that the applicants are in custody since 07.02.2019 and trial is likely to take some time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that there is sufficient

evidence available on record on the basis of which involvement of the applicants in the crime in question is prima facie established. Therefore, they may not be released on bail.

5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicants are in custody since 07.02.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 6,00,000/- with two local solvent sureties each of Rs. 3,00,000/- to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge