

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5280 of 2019**

Mana @ Man Singh Bhilwal S/o Hiralal Aged About 25 Years R/o Village Jhakela Bhilwal, Faliya, Police Station And Tahsil Jhabuwa, District Jhabuwa Madhya Pradesh., District : Jhabuwa, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Jhilmili, District Surajpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.
For the Respondent/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.09.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.151 of 2017, registered at Police Station – Jhilmili, District – Surajpur, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code and Section 66-D of the Information Technology Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 31.5.2019 and has been falsely implicated in this case. In fact, the applicant himself was cheated by the other persons who are made co-accused in this case. The applicant himself received a phone call that he

has been selected for a lucky draw and on his providing his mobile SIM card, Aadhar card and bank account number with ATM Card, the amount of lucky draw will be deposited in his account. Therefore, the applicant getting induced provided the phone caller all the things which he demanded. Subsequent to which, this applicant did not receive any amount personally, however, he was arrested by the police and he came to know that his bank account and his mobile SIM cards were used for committing the fraud by the co-accused persons and making withdrawal from the account of the wife of the applicant. The statement of the accused and this applicant is present in the charge-sheet. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant is the main accused person because it was his SIM card that was used for making fraudulent call and it was the account number of his wife which was used for getting fraudulent deposits which have been withdrawn from the account, therefore, the evidence is directly against him. Hence, for these reasons, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, complainant – Manisha Navik received a phone call that she has been selected for a lucky draw and will get Rs.5,00,000/- for the same. On asking of the caller, the complainant made a deposit of Rs.14,850/- as clearance amount for the price money and

she also made other deposits in total Rs.1,71,300/-. Subsequently, when the complainant made a phone call to the caller for getting the price amount, she was abused. She enquired about the account holder and coming to know about the account, she has lodged named FIR.

6. Considered the entire material present in the case-diary. The statement of the applicant is also present, which is recorded by the police. The probability of one person who has intention to defraud, to use his own mobile number and provide his own account has to be examined in the trial. Further, for the reason that the case is now pending for trial before the trial Court and the trial of the case is likely to take some time for its final disposal, therefore, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-
(Rajendra Chandra Singh Samant)
Judge