

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5406 of 2019

- Himanchal Kumar Kushwaha, S/o Dharam Kushwaha Aged About 29 Years R/o Village Mahadevtoli, P. S. Lohardaga, District Lohardaga Jharkhand, District : Lohardaga, Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Jashpur, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Respondent

MCRC No. 5413 of 2019

1. Himanchal Kumar Kushwaha, S/o Dharam Kushwaha, Aged About 29 Years R/o Village- Mahadevtoli, Police Station Lohardaga, District Lohardaga, Jharkhand., District : Lohardaga, Jharkhand
2. Ritesh Kumar Mahto S/o Ram Swaroop Mahto Aged About 25 Years R/o Village- Mahadevtoli, Police Station Lohardaga, District Lohardaga, Jharkhand., District : Lohardaga, Jharkhand

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Jashpur, District Raipur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

MCRC No. 5418 of 2019

1. Himanchal Kumar Kushwaha, S/o Dharam Kushwaha Aged About 25 Years R/o Village Mahadevtoli, P.S.- Lohardaga, District- Lohardaga, Jharkhand., District : Lohardaga, Jharkhand
2. Ritesh Kumar Mahto S/o Ram Swaroop Mahto, R/o Village Mahadevtoli, P.S.- Lohardaga, District- Lohardaga, Jharkhand.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Jashpur, District- Jashpur, Chhattisgarh.

---- Respondent

MCRC No. 5503 of 2019

1. Himanchal Kumar Kushwaha, S/o Dharam Kushwaha Aged About 29 Years R/o Village Mahadevtoli, P.S. Lohardaga, District- Lohardaga, Jharkhand., District : Lohardaga, Jharkhand
2. Ritesh Kumar Mahto S/o Ram Swaroop Mahto Aged About 25 Years R/o Mahadevtoli, P.S. Lohardaga, District- Lohardaga, Jharkhand., District : Lohardaga, Jharkhand

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Jashpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

For Applicants	: Mr. Pushkar Sinha, Advocate.
For State/respondent	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/10/2019

1. All the above bail applications are heard and decided together by this common order as they arise out of similar type of offence committed by the applicants.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who are in custody in connection with Crime No.101/2018 in MCRC No.5406 of 2019, Crime No.90/2018 in MCRC No.5413 of 2019, Crime No.86/2018 in MCRC No.5418 of 2019 & Crime No.138/2019 in MCRC

No.5503 of 2019 registered at Police Station–Jashpur, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code & Section 66 (C) of Information Technology Act.

3. It is submitted by the learned counsel for the applicants that applicants are innocent and they have been falsely implicated in these cases. They are in jail from the date of their arrest. They have not committed any offence. The identification that has been made in the investigation is faulty which the applicants intend to challenge in the trial. No incriminating article has been recovered from the possession of these applicants. These applicants are in jail since 3.5.2019 and ready to abide by all conditions imposed upon them, hence, it is prayed that they may be released on regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that the applicants are engaged in commission of similar crime, therefore, numerous cases have been registered against them. In the investigation made in all the cases, these applicants have been identified as the persons who have cheated them, therefore, looking to the numerosity of cases against them, they are not entitled for grant of regular bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. In Crime No.138/2019-Complainant Smt. Sanju Bhagat has lodged FIR that on 2.5.2019 she had been to ATM to withdraw some amount and when she was trying to get mini statement of her bank account, at that time two unknown persons come inside the ATM, snatched ATM Card

of the complainant and tried to flee from there. On alarm being raised by the complainant, some of the witnesses caught hold of the applicant and handed over him to the police. During the course of investigation, in their memorandum statements, the applicants disclosed that they have committed similar crimes regarding which FIR's were already registered.

In Crime No.:-101/2018- Complainant Laju Ram Bhagat has complained that while he was using ATM card, some unknown persons appeared and offered help for making withdrawal of Rs.4,000/-. Thereafter without use of ATM by the complainant a further amount of Rs.38,000/- was withdrawn from the account of complainant in a fraudulent manner.

In Crime No.:-90/2018- Complainant Guni Bakshla has complained that while she was using ATM card, some unknown persons appeared and offered help for making withdrawal and took her ATM from his hand and returned it back to her after some time. However, later on, without the use of ATM card by the complainant, a further amount of Rs.4,97,000/- was withdrawn from the account of complainant by some unknown persons in a fraudulent manner.

In Crime No.:-86/2018- Complainant Rewati Bai has complained that while she was using ATM card, some unknown persons appeared and offered help for making withdrawal and then swiped her card and also entered password for making withdrawal of Rs.3,000/-. Thereafter without use of ATM card by the complainant, an amount Rs.38,000/- was withdrawn from her account by some unknown person.

7. Considering that the crime of electronic fraud has been committed by

these applicants and also the fact that they are permanent residents of other State, I am not inclined to allow their bail applications.

8. Accordingly, all the bail applications filed under Section 439 of the Cr.P.C. are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha