

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9381 of 2018**

- Mahendra Pal Singh S/o Late Sunderpal Singh Aged About 33 Years R/o Pragati Enclave, Jahangirpuri, G-89, New Delhi

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Civil Line, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Kishore Narayan, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****10/01/2019**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 529/2016 registered at Police Station Civil Line, Bilaspur, Distt. Bilaspur (C.G) for the offence punishable under Sections 420, 120-B, 34, 465, 467, 468, 471 of IPC and section 66, 66 (Ga) (Gha), 73, 74 of the I.T. Act.
2. The First Bail Application bearing M.Cr.C. No.5244 of 2018 was dismissed for want of prosecution on 19.09.2018.
3. As per the prosecution case, the complainant opened a firm named and styled as Pride International and sought information for franchise of Yum brand (KFC) by E-Mail which was received by co-accused Niren Chaudhari. In response

thereto the complainant firm received a process letter for franchise outlet. Subsequently, the requisite documents and the requirements was again sent back to the said E-Mail and initially the accused Company has requisitioned Rs. 12 lakhs towards franchise fee, which was deposited in the account of Axis Bank and it was shown in the website. Subsequently, it was stated that the outlet franchise fee is Rs.2 crores but since the area of Bilaspur do not have any brand KFC outlet, as such the payment of security amount of Rs.50 lakhs would be made. Thereafter, 3-4 persons came to Bilaspur, surveyed the site and measured the area and again certain amounts were deposited. The person had stayed in hotel Courtyard Mariyat. Subsequently certain process letter and fee were again requisitioned which was again deposited. Later, it was stated that another Company has objected to such grant of KFC outlet and the amount of Rs.1,50,00,000/- (one crore and fifty lakhs) was asked for. The complainant refused to pay further amount, therefore he was asked to pay the amount for the legal fee and also subsequently he was advised to pay the amount of Rs.50/- lakhs to the employees of objecting Company and it is alleged that on different points of time, Rs.50 lakhs was deposited. The complainant further came to know that the officers of KFC had come to Raipur and when he met them it was revealed that no actual KFC outlet is being granted and the applicant in connivance with each other projected different persons to be the employees of KFC and got the area surveyed on different points of time and prepared fake e-mail accounts/identity of different people and on the basis of forged documents have cheated the complainant. Thereby the offence has been committed.

4. Learned counsel for the applicant submits that the present applicant has not been named in the FIR nor he as identified in the TIP and from him a mobile and cash receipt book was received with marking of Yum KFC. He further submits that two constables were the seizure witnesses. He further submits that one of the co-accused namely Udayveer Singh @ Babali has been enlarged on bail in M.C.R.C. No.3029 of 2018 and the case of the present applicant is similar to that of the co-accused, therefore, he may also be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the present applicant along with the other co-accused has changed his name initially communicated with the victim and thereafter has defrauded.
6. I have perused the statement of the victim Sanjay Yadav, wherein the present applicant has been named. Considering the same at this stage when the bail of the other co-accused namely Rohit Sharma bearing M.Cr.C. No.321/2017 has also been dismissed, I do not find that the present is a fit case for granting bail.
7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu