

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 912 of 2020

Dhanish Kumar Gulati S/o Late Shiv Lal Gulati Aged About 48 Years R/o Indira Colony, Tarbhar Road, Besides Radhika Dairy, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Chakarbhata, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Aman Dawra, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

For Objector : Mr. Awdhesh Kumar Mishra, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

04/09/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 148/2020, registered at Police Station Chakarbhata, Distt. Bilaspur (C.G.) for the offence punishable under Sections 420 r/w Section 34 of the IPC.
3. According to the case of prosecution, on 23.06.2020, FIR has been lodged by complainant Awdhesh Kumar Mishra, Advocate alleging therein that on 20.06.2020, the applicant had called the complainant and asked him to provide his account details of State Bank of India as well as the details of his ATM card of said bank. It is further stated by the complainant that the applicant had asked the said details on the pretext that the applicant wants to avail a personal loan from Bajaj Allianz and they would only provide loan to persons having an account in State Bank of India. Thereafter, the complainant gave the

required details and then he received a call from an unknown individual wherein he was asked by the unknown individual to share one time password which the complainant had received on his phone. Thereafter, the complainant gave the OTP number to the said individual as a result of which an amount of Rs. 1,14,000/- was deducted from his account. On the basis of said background, offence has been registered against the applicant.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Prima facie no case can be made out against him. The applicant neither called the complainant for OTP nor obtained money from the account of the complainant. The Counsel lastly submits that the alleged offence has been committed by some unknown person. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State and objector Mr. Awdhesh Kumar Mishra, Advocate opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the main allegations have been levelled against some unknown person who asked for OTP from the complainant and obtained the amount from the account of the complainant. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge