

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 158 of 2021

- Mustaqeen Khan S/o Ikram Khan (wrongly mentioned as Shekh Mustaqeen Khan, S/o Shekh Ikram Khan in the impugned order), Aged About 35 Years, R/o C-527, G. F. New Ashok Nagar, Vasundhra Enclave Delhi 110096

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Khursipar, District Durg Chhattisgarh

---- Non-applicant

For Applicant – Shri Ajay Kumrani, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-05-2021

1. Apprehending arrest in connection with Crime No.266/2019, registered at Police Station – Khursipar, District Durg, Chhattisgarh for offence punishable under Section 420, 467, 468, 471, 201, 120(B) of the IPC and Section 66D of I.T. Act, the applicant has preferred this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No offence is made out against this applicant. According to the FIR itself, the incident is occurred between 15 January, 2016 to 27 June, 2019, during which the applicant was not a partner in the Global Filmcare Services. This applicant became partner in the company on 17 September 2019, therefore, he has no responsibility for the transactions of the company earlier to that date, copy of the partnership deed has been filed in support of this statement. It is further submitted that other co-accused person namely Sonu Pandey and others have been granted regular bail by the coordinate Bench of this Court in MCRC No.6409/2020 and other bail applications filed by them and this applicant is not the main accused.

Therefore, it is prayed that he may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the submission and submits that it is a case of huge fraud in which the complainant was cheated of Rs.62,02,500/-, therefore, it is a crime of huge magnitude in which the applicant has actively participated. Hence, he is not entitled for grant of anticipatory bail.

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

5. According to the prosecution case, complainant Smt. Manorama Jain has lodged the FIR stating that other accused persons gave her inducement that they will get erected mobile tower on her property, by making telephone calls to her. On the basis of the inducement given the complainant deposited amount on various pretext given, in the accounts provided by the other accused persons. In total the complainant has deposited Rs.62,02,500/-. Charge sheet has been filed after completion of the investigation.

6. Considered on the submissions. The rejection order mentions that this applicant had provided mobile phones which were used for commission of offence. Taking into consideration the other submissions made by the applicant side, I am of this view that the applicant should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge