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**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1893 of 2021**

- Ashok Acharya @ Rambachan Priyadarshi, Son of Shree Ujagir Ram, aged about 42 Years, Occupation- Business, Resident of Village Erka, Post Office Amba, Aurangabad (Bihar) 824111, Presently Residing at Gotari Road, Room No. 41, Shivam Party Plot Nuclear Park, Badodara (Gujrat) 390020, District : Baroda, Gujarat.

----Applicant

**Versus**

- State of Chhattisgarh, Through- In-Charge Police Kotwali, Ambikapur, District Ambikapur- Sarguja (Chhattisgarh).

----Non-applicant

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|---------------|----------------------------------------|
| For Applicant | Shri Devershi Thakur, Advocate.        |
| For State     | Shri Adil Minhaj, Government Advocate. |

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board**

**19/08/2021**

- The matter is heard through Video Conferencing.
- The earlier bail application of the applicant i.e. MCRC No.6304 of 2020 was dismissed on merits by this Court vide order dated 20.11.2020.
- The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.389/2020 registered at Police Station- Kotwali, Ambikapur, District Ambikapur-Sarguja, C.G. for the offence punishable under Sections 419 & 420 of Indian Penal Code, Section 10 of Protection of Depositors Interest Act, 2005 & Section 66(D) of the I.T. Act.

4. Case of the prosecution, in brief, is that complainant A.N. Pandey lodged a written complaint at police station Kotwali, Ambikapur, District Surguja, C.G. to the effect that Director/Manager of Wish Wallet Company namely Ashok Acharya (present applicant) committed fraud with many persons by making them deposit money with the company on the allurement of getting four times return within four weeks. The applicant Ashok Acharya and other co-accused persons who are agent of the said company, on the pretext of failure of link and server being down did not return the money to the investors as promised by them. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the applicant and other co-accused persons.
5. Learned counsel for the applicant submit that applicant is an innocent person and has been falsely implicated in this case. He submits that the money of the investors could not be returned to them within time due to failure of link and server begin down as also for some technical reasons. He submits that no cheating or fraud as alleged has been committed by the applicant. The applicant is in jail since 22.07.2020 and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
6. Learned counsel for the State opposes the bail application.
7. Heard learned counsel for the parties.
8. Considering the facts and circumstances of the case, the fact that the earlier bail application of the applicant has already been rejected on merits by this Court, there is no change in the circumstances except

that the video was not produced by the Investigating Officer before the trial Court to show that the present applicant is the real culprit, the applicant was the director of the company and he committed fraud with the number of investors involving huge amount, the applicant is yet to be identified, it is matter of evidence to be appreciated during trial, the material so far collected against the applicant, without commenting anything on merits of the case, this Court is of the opinion that present is not a fit case to release the applicant on bail.

9. Accordingly, the bail application is rejected.

-Sd/-

Gautam Chourdiya  
Judge

Akhilesh