

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No.325 of 2021**

Gulshan Kumar S/o Shri Shrawan Tanti Aged About 18 Years R/o Village
Mirbigha, Police Station Warsiliganj District Navda (Bihar) ---- **Appellant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Cyber
Cell Headquarter New Raipur Chhattisgarh, District : Raipur, Chhattisgarh
---- **Respondent**

For Appellant	:	Shri Sudhir Sahu, Advocate appears under instructions from Mr. Jitendra Shukla, Advocate
For Respondent/State	:	Shri Lalit Jangde, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Shri Justice Narendra Kumar Vyas****Order On Board****01.04.2021**

Heard.

1. This appeal is directed against order dated 04.02.2021 by which application for grant of bail has been rejected by the Court below.
2. The applicant has been arrested in connection with Crime No.2 of 2020 registered at Police Station- Cyber Cell, Headquarter New Raipur (CG) for the alleged commission of offence under Section 420, 465, 468, 471, 34, 120-B, 489(A), 489(D), 489(E) of IPC and Section 66 (C), 66(D) of Information Technology Act, 2000.
3. Learned counsel for the appellant would argue that the involvement of the appellant in the alleged offence only on the basis of suspicion is said to have been reflected from the memorandum of co-accused and except that, there is no other evidence collected by the prosecution to involve the appellant in the alleged commission of offence. He further submits that investigation is complete, charge-sheet has been filed and that the applicant is in jail since 18.12.2020.
4. On the other hand, learned counsel for the State opposes the prayer and

submits that online fraud was played against the complainant, who was cheated and Rs.1,16,000/- transferred from one to another account of third person which was hacked by the accused. It is argued that the accused were also using fake currency which was seized from the possession of the co-accused Sanjeev Kumar Sarthi and the electronic device which was used in hacking and cloning was seized from the possession of another co-accused Ram Lagan Kumar. The memorandum of the co-accused shows that in this entire fraud, co-accused were taking the help and also involved in the present appellant.

5. On prima facie consideration, at this stage of consideration of application for grant of bail, we find that involvement of the present appellant is based on the memorandum statement of the co-accused. However, learned State counsel could not satisfy as to whether memorandum of co-accused led to fact discovered which involves the present appellant. No seizure of any incriminating article has been made from the present appellant. Therefore, the impugned order rejecting application cannot be sustained and is set aside. The appellant is entitled to grant of bail.
6. Accordingly, the appeal is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
 Judge

Sd/-
(Narendra Kumar Vyas)
 Judge