

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2136 of 2021**

- Sachin Chaudhary S/o Jaswant Singh Chaudhary Aged About 20 Years R/o Village Birtoli P.S. Tatarpur Chauraha District Alwar (Rajasthan).

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Deepka District Korba Chhattisgarh.

---- Non-applicant

For Applicant : Shri Praveen Das, Advocate.

For Non-applicant : Ms. Fouzia Mirza, Additional Advocate General

Hon'ble Shri Justice Narendra Kumar Vyas**Order On Board****24.05.2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 17.12.2020 in connection with Crime No. 209/2020 registered at Police Station Deepka District: Korba (C.G.) for the offence punishable under Sections 420, 506 of IPC and Section 66(C) of Information Technology Act, 2000.
2. Case of the prosecution, in brief is that on 13.11.2020 complainant Bhagwan Singh made a written complaint that on 14.10.2020 he has received a call in his mobile from mobile No. 8690401983 and the caller of the number asked his bank details on the pretext of depositing money in his account. He has further alleged that on the date Rs. 80,000/- from

his account was deducted and on 12.11.2020 when he went to the bank to ascertain his account maintained in the bank, he came to know that total Rs. 37,00,000/- has been deducted from his bank account.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case, he is not involved in the cheating with complainant, the F.I.R. has been registered against one Himanshu Shekar who made calls to the complainant, neither has he been made accused in the case nor in proceeding under Section 173(8) of Cr.P.C. has been drawn against him, the alleged mobile No. 8690401983 does not belong to applicant, the applicant is in jail since 17.12.2020, the offence is triable by Magistrate First Class, final report has also been filed, conclusion of trial may take some time, therefore, he may be released on bail.

4. Learned counsel for the applicant further submits that Rs. 5,30,000/-, which has been seized from the applicant, has already been given to the complainant by the Judicial Magistrate First Class on Supurdnama, as such, the money has also been returned.

5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard learned counsel for the parties and perused the case diary.

7. The complainant, in its report, has specifically alleged that the person who was calling him from mobile numbers 8690401983, 8302481382, 7527908220, 8875259124 was claiming himself to be Himanshu Shekhar and he has also threatened the complainant to kill. It has also been revealed from the diary that other co-accused Sahrn Khan, Manjeet Singh and Shahrukh Khan were involved in the case and

they are absconding. It seems that it is systematic criminal act of fraud committed by the accused along with other co-accused. As Such, I am not inclined to release the applicant on bail.

8. Thus, the bail application filed by the applicant is liable to be dismissed and accordingly dismissed.

Sd/-

(Narendra Kumar Vyas)
Vacation Judge