

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 527 of 2021**

- Debibrata Mahapatra S/o Shri Ishwar Chandra Mahapatra, Aged About 29 Years R/o. Pedagadi, P.S. Kaptipada, District Mayurbhanji (Odisha)

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Jamul District Durg Chhattisgarh

---- Respondent

For Applicant
For Respondent /State

Mr. Arun Shukla, Advocate
Mr. Chandresh Shrivastava, Dy. AG

Proceedings through Video Conferencing**SB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. CJ****Order On Board****5/7/2021**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.309/2019 registered at Police Station Jamul District Durg (CG) for the offence punishable under Sections 420, 120-B of the IPC read with Section 66(C) & (D) of the Information of Technology Act.

3. Five accused persons are involved in withdrawing an amount of Rs.5,02,000/- from the SBI Bank account of the victim. In the course of investigation, the Police found that the IMEI number of the mobile phone, which was used for committing fraud, belongs to one Sandeep Rai. When he was arrested, he disclosed to the Police in his memorandum statement that co-accused Brijendra Kumar Sharma, who is a Software Engineer, has allured them of handsome earning by committing this bank fraud. Thereafter, the applicant and the other co-accused joined Sandeep Rai in committing the fraud by withdrawing the amount from the Bank Accounts of different victims by hacking their accounts. He has narrated their entire modus operandi, which was used for committing the fraud. The present applicant is also a graduate in Computer Science.
4. Considering the nature of allegations, I am not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
5. Accordingly, the bail application is dismissed. However, in the event, the applicant surrenders and applies for regular bail, the jurisdictional Court shall consider and decide his bail application expeditiously.

Sd/-

(Prashant Kumar Mishra)

Acting Chief Justice