

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through video conferencing****Order Reserved on 08.07.2021****Order Delivered on 14 .07.2021****MCRC No. 2836 of 2021**

1. Vijay Bijoy Majumdar S/o Balram Majumdar Aged About 26 Years
R/o Ward No. 12, Railway Gaurds Colony, Aronjangla Dhubri,
Down, Amko Road, Dhubri, District Dhubri (Asam).
2. Devashish Mistri S/o Khokhan Mistri Aged About 21 Years R/o
Sulangudhi Gouranga Nagar, North Twenty Four Parganas,
District North Twenty Four Parganas (West Bengal).
3. Raja Khan S/o Saiyad Mohammad Arshdulla Aged About 23
Years R/o Purana Bazar Gomo, Post - Gomo, Police Station
Hariharpur (Gomo) , Hariharpur, District Dhanbad (Jharkhand)

---- Applicants**Versus**

1. State of Chhattisgarh Through Station House Officer Police
Station - Janjgir, District Janjgir Champa (C.G.).

---- Respondent

For Applicants	-	Shri Awadh Tripathi, Advocate.
For Respondent/State	-	Shri Arjit Tiwari, Panel Lawyer.

Hon'ble Shri Prashant Kumar Mishra, Ag. Chief Justice**C A V Order**

1. Heard.
2. The applicants have preferred the bail application under Section 439 of the Cr.P.C., as they are arrested in connection with Crime No.79/2021, registered at Police Station- Janjgir, District- Janjgir-Champa (C.G.) for the offence punishable under Sections 420, 467, 468, 34 of the Indian Penal Code.
3. As per the prosecution case, the applicants claiming themselves to be belonging to SSR Industries and Telecom Industry induced the complainant Shailesh Singh Kachhwaha by calling him and sending messages in his mobile number assuring him of establishing mobile tower of Airtel Company on his land. They obtained different amounts in installments from November, 2020 onwards from the complainant, the total amount being Rs. 39 lacs.
4. It is argued on behalf of the applicants that the amount received from the complainant was deposited with the Airtel Company and the applicants are not the beneficiary and they being in jail since 20-02-2021, they are entitled to be released on bail.
5. Per contra, learned State counsel would oppose the prayer for grant of bail. He would submit that the applicants posed themselves as agents of Airtel Company, however, the amount has not been made over to the Airtel Company, therefore, considering the nature of fraud committed by the applicants, they are not entitled to be released on bail.
6. Having heard learned counsel for the parties, it appears the applicants have obtained payment of Rs. 39 lacs from the

complainant by falsely assuring him of erecting a mobile tower on his land. The applicants are not the agents of the Airtel Company. No such document has been produced by the applicants showing their contract/arrangement with Airtel Company authorizing them to obtain payment for establishing a mobile tower. Online fraud involving cyber crime is on enormous rise in the country.

7. Considering the facts situation of the case and considering the gravity of offence, I am not inclined to release the applicants on bail.
8. Accordingly, the present bail application is rejected.

SD/-
(Prashant Kumar Mishra)
Acting Chief Justice

Gowri