(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 529 of 2021

- Madhurendra Kumar S/o Rajkishore Singh, Aged About 38 Years R/o Kochagaon, P.S.- Warisaliganj, District- Nawada (Bihar)

---- Applicant

Versus

- State of Chhattisgarh Through P.S. - Kuakonda, District- South Bastar Dantewada (CG)

---- Non-applicant

&

MCRCA No. 691 of 2021

- Vipin Kumar @ Vipin Manjhi, S/o Manoj Manjhi, Aged About 22 Years, R/o Village Tetariya, Beldari Thana Mufassil, District Nawada (Bihar).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kuakonda, District Dantewada Chhattisgarh.

---- Non-applicant

M.Cr.C.A No.529/2021

For Applicant	:	Mr. PR Patankar, Advocate
For Non-applicant	:	Mr. BP Banjare, Dy. Govt. Advocate

M.Cr.C.A No.691/2021

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. BP Banjare, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

8/7/2021

1. As the above two anticipatory bail applications arise out of the same crime number, they are being heard together and disposed of by this common order.

2. The applicants have preferred two separate applications under Section 438 of CrPC for grant of anticipatory bail to them as they apprehend their arrest in connection with Crime No.22/2020 registered at Police Station Kuakonda, District South Bastar Dantewada for commission of offence

punishable under Sections 420 of the Indian Penal Code and Section 66-D of the Information Technology Act.

3. As per case of the prosecution, the complainant, who is working as Police Constable and posted at STF, Palnaar, District Dantewada, was searching through his mobile in google application about the details and schemes for car loan of the State Bank of India. After some time, he received a message showing it to be “SBI Personal Banking”. On opening the said message, it displayed option of submitting mobile number, whereupon the complainant entered his mobile number and after some time he received call on his mobile from mobile number '7044728068' of unknown person introducing himself as 'Ajit Pratap Borde' from Reliance Finance Company. He told the complainant that his finance company is providing loans on minimum interest. It was also informed that the company provides car loan at the rate of 5% p.a. interest. The complainant expressed his desire to obtain loan of Rs.8 Lakhs. Said Ajit Pratap Borde asked the complainant to send copy of Adhar Card, PAN Card, ATM card and his photograph in his mobile through whatsapp, which were forwarded. He further asked the complainant to deposit Rs.8,000/-, which was deposited by the complainant on 7.9.2020 through 'Google Pay' from his BSNL mobile number. Thereafter the complainant received several calls in short intervals of time on different dates for deposit of further amount on one or other pretext, which the complainant had deposited. After realizing that the complainant is defrauded, he stopped talking with the person of said mobile number. Thereafter he received call from mobile No.7439237821 of unknown person who asked him to deposit Rs.96,000/-. The complainant did not respond and upon checking statement of his bank account, he found that further amounts were withdrawn from his account. Total amount of which complainant was defrauded was Rs.2,97,400/-. The complaint was lodged on 7.10.2020 based upon which instant crime was

registered against unknown persons.

4. Mr. Awadh Tripathi & Mr. PR Patankar, learned counsel for the respective applicants submit that the applicants have not committed any crime as mentioned in the FIR and they have been falsely implicated in instant crime. In fact, the applicants have been cheated by some other person and report to this effect was also lodged by them. It is further submitted that the applicants do not know as to how and whom deposited the amount in their bank accounts. The applicants are ready to return the amount so deposited in their bank accounts without their knowledge. It is further submitted that one Himanshu Kumar Singh took the bank details, adhar card number of applicant Madhurendra Kumar and it may be said person who might have used bank account and other details of applicant Madhurendra Kumar. It is further submitted that ATM card, bank pass book and Sim card of applicant Vipin Kumar have been taken by one Ranjan Kumar on the pretext that payment of MNREGA wages of applicant is to be deposited in his account. Both the applicants are not having knowledge with regard to fraud, if any, committed by some persons with the complainant. Hence, they be granted anticipatory bail.

5. Per contra, Mr. BP Banjare, learned Deputy Government Advocate for the State opposes the submissions made by learned counsel for both the applicants and submits that the police in the course of investigation have traced out the bank transaction details of the complainant and found that amount fraudulently withdrawn from the bank account of complainant has been deposited in different bank accounts including the bank accounts of present applicants. Names of some other bank account holders in whose bank account money was transferred are Aao Mayang Mokachung of Nagaland, Ramashrey of village Pachdevra, Tashil Mohmadi Lakhmipur Kheri and Smt. Samsura Bibi of village Sonmukhi , Disterict Bankura (West Bengal). The applicants are residents of State

of Bihar, now-a-days there is increase in cyber crime and innocent persons are being cheated and defrauded through internet and mobile phone and their hard earned money is being grabbed by them. Cyber crime of taking money and withdrawal of money from the bank accounts is an organized crime for which suspected persons based on material collected by the investigating agency i.e. chain of bank accounts etc., is required to be interrogated. Hence, the applicants are not entitled for grant of anticipatory bail.

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

7. Based on written complaint lodged by complainant, a Constable posted at STF, Palnaar, District Dantewada, the FIR was registered. The police during the course of investigation have collected bank details of complainant and thereafter details of bank accounts in which amount has been transferred from the account of complainant, based upon which the police is trying to connect the chain. Amount has also been deposited in bank accounts of present applicants. There is sudden increase in cyber crime through internet and mobile phones thereby money from the bank accounts of innocent persons is being withdrawn without their knowledge or sometime by defrauding them.

8. Considering the nature of crime registered by the concerned police station, the material collected by the police i.e. with regard to bank accounts transaction details, I do not find it to be a fit case for grant of anticipatory bail. Accordingly, both the applications are rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-