

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3242 of 2021**

- Navakor Emanuel Gosain S/o Gosain Navakor Aged About 30 Years R/o Shop No. 7, Yusuf Asada Logo State Nigeria, Present Address- 40 Feet Road, Chanakya Place, District- South West, New Delhi, District : New Delhi, Delhi

---- Applicant**Versus**

- State of Chhattisgarh Through S.H.O. Police Station- City Kotwali, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Ramakant Gaur senior counsel along with Ms. Vishmita Diwan, Adv.
For Respondent/State	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.06.2021**

1. Heard.
2. Admit.
3. The applicant has filed this **Fourth bail application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 679/2018 registered at Police Station : City Kotwali, Rajnandgaon (C.G.) for the offence punishable under Sections 420, 34 of the IPC with 66D of IT Act.
4. The earlier bail application was dismissed on merit by this Court on 02.09.2020 passed in MCRC No. 3517/2020 on the ground of recovery of electronic gadgets i.e. laptop & mobile from the possession of the present applicant.
5. The present applicant has been arrested for the commission of offence punishable under Sections 420, 34 of the IPC with

66D of IT Act. As per the prosecution case, in lieu of sending certain gifts to the complainant, one Devid Suryayan induced her to transfer a sum of Rs. 43,78,605/- to various bank accounts branched across the country. The allegation against the present applicant is that he was also involved in this case of fraudulence as the electronic gadgets which were used in this case belongs to him.

6. Mr. Ramakant Gaur, learned senior counsel appearing for the applicant would contend that the applicant has been falsely implicated in the crime in question as none of the bank accounts as elucidated in the said FIR belong to the applicant. He would further contend that almost two years have been passed but the applicant has never been interrogated by the IO during the period of incarceration. The passport of the applicant is in custody of the investigating agency, therefore, there is absolutely no likelihood of his absconding from the clutches of law. He also submits that electronic devices seized by the prosecution may be tempered with and are subject to forensic analysis which the prosecution has failed to do so. The applicant is ready to pay Rs. 10,00,000/- to the complainant and shall abide by all the conditions so impose by the Court, therefore, he may be released on bail.
7. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
8. I have heard learned Counsel for the parties.
9. Considering the facts and circumstances of the case, further considering the detention period of the applicant, without further commenting on merits of the case, I am inclined to release him on bail.

10. Accordingly, the bail application is allowed.

11. It is directed that the applicant shall be released on bail on his payment of Rs. 10,00,000/- (Ten Lack Rupees) to the complainant within six months from today and on executing a personal bond for a sum of Rs. 5,00,000/- (Five Lakh Rupees) with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

12. Applicant is directed to join the trial immediately and fully co-operate with the trial, he shall further abide by other conditions enumerated in Sub-section (2) of Section 438 of Cr.P.C.

Sd/-
(Rajani Dubey)
Judge

V/-