

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 611 of 2021**

- Rajnish Singh Kushwaha, s/o Rambharosi Singh Kushwaha, aged about 33 years, occup. Private R/o village 20B Shivkanan Colony Near Church, Boirdadar Raigath, Thana- Chakradhar Nagar, Tehsil & District Raigarh (CG)

---- Applicant**Versus**

- State Of Chhattisgarh Through PS Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh

---- Respondent

For Applicant	: Shri Sanjay Agrawal, Advocate
For Respondent/State	: Shri Shri Vimlesh Bajpai, GA and Shri Roshan Dubey, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

24.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 56 of 2021 registered at Police Station Chakradhar Nagar, Raigarh Chhattisgarh for commission of offense punishable under Section 420 of IPC.
2. Case of the prosecution, in brief, is that, complainant-Vijay Prasad Verma lodged a written report before concerned Police Station on 25.01.2021 making allegation that present applicant who is known to complainant and having friendly relationship, used to take his mobile phone for the purpose of playing game. Applicant got mobile number of complainant in net banking changed and entered his own mobile number. He fraudulently, transferred Rs.9,39,246/- between 13.11.2020 to 24.01.2021. Based on written report, after investigation, FIR was registered against present applicant.
3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.
4. Shri Sanjay Agrawal, learned counsel for the applicant submits that only on the basis of reflecting name of applicant on calling to mobile no.9696889122, which is registered in name of complainant net banking,

applicant has been arrayed as accused person. He has not committed any offence as alleged against him. The alleged mobile number is registered in name of Dhulibai. He further submits that there is no material to connect applicant with instant crime, further applicant is working in a Company at Raigarh, hence he may be enlarged on anticipatory bail under Section 438 of CrPC.

5. On the other hand, Shri Vimlesh Bajpai and Shri Roshan Dubey, learned counsel for the State opposing the submissions of learned counsel for the applicant, submit that complainant has made specific allegation that it is the applicant who linked his mobile number by changing mobile number in Net Banking of complainant while playing with the mobile of complainant and fraudulently transferred money to IDFC Bank. The Police also investigated with bank authorities and upon investigation, it revealed that mobile number of Net Banking of complainant has been changed through Internet and present mobile number registered with Bank authorities is 9696889122, which is of applicant. He submits that SIM number is registered in name of one Dhulibai of Raigarh. She is an illiterate lady. He further submits that amount has been withdrawn from ATM at New Delhi.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicant; material collected by investigating agency and further documents enclosed with bail application with affidavit dated 19.07.2021, I do not find it a fit case to enlarge the applicant on anticipatory bail.

8. Accordingly, MCRC-611 of 2021 is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE