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HIGH COURT OF CHHATTISGARH, BILASPUR

Proceedings through video conferencing

MCRC No. 3700 of 2021

- Ajay Ojha S/o Late Shri Durga Prasad Ojha Aged About 32 Years R/o Dharmraj Colony, Thana Aerodrum, Indore District Indore (M.P.).

---- Applicant

Versus

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

---- Respondent

For Applicant	-	Shri Awadh Tripathi, Advocate.
For Respondent/State	-	Shri V.R. Tiwari, Additional Advocate General with Shri Chandresh Shrivastava, Dy. Advocate General.
For Objector	-	Shri Nishi Kant Sinha, Advocate.

Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice
Order on Board

05-08-2021

1. Heard.

2. The applicant has preferred the first bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.917/2020, registered at Police Station – Ambikapur, District-Ambikapur (C.G.) for the offence punishable under Section 420, 120(B)/34 of the Indian Penal Code and Section 66 D of the I.T. Act.

3. Applicant along with co-accused Sumit Verma, Vishal, Rajat Pataria, Naindeep Singh and others have committed OnLine fraud with the complainant Akhileshkant Soni to the tune of Rs.7,64,179/-.

4. As per the prosecution case, the complainant made a report that he received a phone call that if he invests in the trade he will get the amount with higher returns. Consequently, initially Ajay Ojha (present applicant), Akhileshkant Soni (complainant) deposited an amount of Rs.13,000/-. A screen shot was sent wherein the profit to the extent of Rs.53,000/- was shown and he was asked to deposit the GST thereon. Accordingly, the amount of GST Rs.13,000/- was paid. Subsequently, again screen shot was sent wherein it was shown that more than Rs.2.00 lacs has been made profit and on that GST was deposited and eventually again screen shots were sent wherein the outcome of the transactions were shown to be profits on which the complainant was asked to deposit the GST. Lastly he was asked to deposit the GST Rs.7.00 to 8.00 lacs. Thereafter, the complainant on suspicion having enquired about the existence of the Company it was found that no company was existing and he has been deceived. The amount of GST was deposited in different accounts of Naindeep, Pinki, Anita Ojha. When the investigation was conducted, the account holder of son of Anita Ojha was interrogated and eventually it was found that co-accused Sumit Verma has opened the company and employed a different person with an assurance that 10% of the amount so received would be paid and accordingly, the fraud has been committed.

5. Material available in the case diary indicates that when the amount was deposited, amongst other accounts, in the account of Anita Ojha and she was interrogated, it was informed to the police that her husband Ajay Ojha (present applicant) was using her account. In the memorandum statement of Sumit Verma also this applicant has been named as one of the person who were operating the clandestine operation of OnLine fraud by cheating the victims by making telephone calls through their girl agents.

6. Considering the entire facts situation of the case and particularly considering the fact that bail application of co-accused Sumit Verma has already been dismissed by this Court in M.Cr.C.No.1815 of 2021

vide order dated 27-7-2021; and the active role played by the present applicant in being a part of the entire gang, I am not inclined to release the applicant on bail.

7. Accordingly, the present MCRC is dismissed.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri