

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6825 of 2021

- Abhishek Gupta S/o Shri Uaday Narayan Gupta Aged About 24 Years R/o Salarpur Khadar, Salarpur, Goutam Buddh Nagar, Noida, Police Station Sector 39, Uttar Pradesh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through The Police Station Cyber, Head Quarter Nawa Raipur, District- Raipur, Chhattisgarh

---- Respondent

AND

MCRC No. 7336 of 2021

- Nitin Ravat S/o Shri Naresh Ravat Aged About 29 Years R/o C-1/162, Sector 55, Noida, Delhi

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. State Cyber Cell Headquarters District Raipur Chhattisgarh

---- Respondent

For Applicants	: Shri Jitendra Shukla, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

06.12.2021

1. As these two bail applications are arising out of same crime number, they are being disposed of by this common order.
2. Applicants have preferred these applications under Section 439 of CrPC for grant of regular bail as they were arrested in connection with Crime No.1 of 2020 registered at Police Station- State Cyber Cell Headquarters, District- Raipur, Chhattisgarh for the offence punishable under Sections 420, and 34 of the IPC and Section 66(d) of IT Act.

3. Case of the prosecution, in brief, is that Anu Kumar Prasad lodged a written complaint on 03.11.2020 stating therein that Anurag Kashyap, Aditya, Sanjeev Verma, Suresh and other unknown friends have procured Rs.81,56,925/- giving false assurance for providing employment in Shine.com company at Abudabi. Initially they asked for deposit of money for the purpose of registration, Police verification, exchange planning, Fees, Security money, Visa, ticket etc. Complainant deposited amount in different instalments from 22.11.2014 from 24.06.2020. When complainant realised that he was cheated, he lodged a report, based upon which aforementioned crime was registered against applicants, Vidyapati Mishra, and 11 other co accused persons.

4. Shri Atanu Ghosh and Shri Devershi Thakur, learned counsel for the applicants jointly submit that applicants are not related in any manner in commission of aforementioned crime. They submit that in complaint, applicants have not been named nor there is any allegation of deposit of any amount by complainant in bank account of applicants. Applicants have been arrested only on the basis of memorandum statement of co-accused Vidyapati Mishra, who was arrested based upon his bank details. Police further found out Mobile phone and ATM Cards from the possession of applicants. ATM Card has not been used in alleged crime. Applicants were arrested on 19.06.2021. After due investigation, charge-sheet has been filed and there is no connecting material against them of commission of offence by them or their involvement in commission of offence with other co-accused.

5. Shri Vimlesh Bajpai, learned State counsel opposing the submissions of learned counsel for the applicants, submits that group of persons are involved in commission of similar nature of crime in different places. He also submits that when complaint was lodged, Police started investigation and as per contents of complaint and statement of complainant, police verified the Bank account of Vidyapati Mishra, co-accused, in whose account money was transferred as per allegation of complainant. Amount has been deposited in account of Vidyapati Mishra through NEFT. He also submits that transfer of amount in account of Rajesh Singh, Deepak , Ranjeet Goswami, Anirudh Dwivedi, Amit Kumar, Santosh, Satish and other co-accused persons are still absconding. When specific query has been put to learned State counsel as to whether any amount against account of applicants is deposited, after going through case diary, he submits that no material is available in charge-sheet to show that any amount as alleged by complainant is deposited in account of applicants.

6. At this stage, learned counsel for the applicants would submit that there is no criminal antecedents against applicants, and offences are triable by Magistrate and conclusion may take some time, hence, applicants may be released on bail.

7. I have heard learned counsel for the parties.

8. Taking into consideration nature of allegations, submissions made by learned counsel for the parties, quantity of liquor and period of

detention of applicants, without commenting anything on merits of the case, I am inclined to enlarge the applicants on bail.

9. Accordingly, the bail applications are allowed. It is directed that the applicants shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicants shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd-
(Parth Prateem Sahu)
JUDGE