**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7714 of 2021**

- Rajiv Pandey, S/o Ramesh Prasad Pandey, aged about 31 years, R/o Village Mirpur, P.S. Motinagar, District Sultanpur (UP)

**---- Applicant**

**Versus**

- State of Chhattisgarh through Station House Officer, Kotraroad, District Raigarh (CG)

**---- Non-applicant**

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| For Applicant | : | Mr. Amit Sharma, Advocate |
| For Non-applicant | : | Mr. Dinesh Tiwari, Dy. Govt. Advocate. |

**Hon'ble Mr. Justice Parth Prateem Sahu**

**Order On Board**

**2.12.2021**

1. This is first application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant as he is in custody since 25.8.2021 in connection with Crime No.35/2020 registered at Police Station Kotraroad, District Raigarh (CG) for commission of offence punishable under Sections 420, 120B, 34, 467, 468, 471 of IPC.

2. Case of prosecution is that complainant Sunderlal Rathiya lodged report that in between 10.7.2017 to 5.11.2019 accused namley Devendra Verma, Ankit Chouhan, Vikram Bajaj, Neha Verma and Rudra Pratap stating that they will provide money of life insurance, sent various cheques to 14-15 bank account holders and fraudulently got deposited Rs.41 Lakhs. During the course of investigation, co-accused Pawan Kumar Soni being holder of bank account in which amount was transferred, was arrested and he stated in his memorandum statement that applicant took his ATM card, bank account number stating that he does not have bank account, some money is to receive in his name from others to be deposited in bank account. Based on statement of co-accused Pawan Kumar, applicant was arrested on 25.8.2021 in the aforementioned crime.

3. Mr. Amit Kumar, learned counsel for applicant would submit that there is no connecting material to implicate applicant in aforementioned crime except memorandum statement of co-accused Pawan Kumar Soni which cannot be used against applicant for his conviction. From possession of applicant no incriminating article was seized by police nor any amount was transferred in his bank account, hence applicant may be enlarged on regular bail.

4. Per contra, Mr. Dinesh Tiwari, learned Deputy Advocate General for the State opposes submissions of learned counsel for applicant and submits that present is online crime committed by more than one person. It is an organized crime in which apart from three arrested accused persons, others are absconding. From the material available in case diary it is apparent that bank accounts of co-accused Pawan Kumar Soni and one another co-accused were used for depositing amount by cheating complainant and others. After withdrawal of amount, all accused persons including applicant distributed the same amongst them, which shows *prima facie* involvement of applicant in aforementioned crime. Nature of crime, as alleged against applicant, is in rise all over the country. Applicant is resident of another State, if he is released on bail then trial will be delayed. Offence under Section 120B of IPC is also registered against applicant and other accused persons. Hence, applicant should not be enlarged on regular bail.

5. I have heard learned counsel for the parties.

6. Taking into consideration facts and circumstances of case, nature of allegations, manner in which crime is stated to have been committed, material collected by prosecution during course of investigation and further considering rise in online fraud, I am not inclined to enlarge applicant on regular bail. Accordingly, bail application is rejected.

7. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-