

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8404 of 2020**

- Sitaram Gouda S/o Shri Sudarsan Gouda Aged About 35 Years, R/o Hatashi, Post Badangi, Police Station Tarasingi, District Ganjam, Odisha.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : S.H.O. Police Station City Kotwali, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Neeraj Choubey, Adv.
For Respondent/State	: Mr. Devesh Verma, G.A.
For Objector	: Mr. Hemant Kumar Agrawal, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/04/2021**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 194/2020 registered at Police Station - City Kotwali Bilaspur, District-Bilaspur (C.G.) for the offence punishable under Sections 420, 34 of the IPC.
2. The prosecution story, in brief is that, on 10.09.2020 complainant Janak Ram Patel lodged a written complaint with the allegation that on 24.01.2020 the complainant received a telephonic call wherein stated that the caller is the owner of the Jio Company Mukesh Ambani and the complainant win Rs. 25,00,000/- through lucky draw. Accordingly, the complainant had been deposited total amount of Rs. 65,00,000/- through the different account and subsequently he came to know that he is being cheated by someone. During investigation it is pointed out that same temptation was made with other account holders and also cheated with them. Based on this

offence has been registered against the present applicant and other co-accused persons.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant is a proprietor of a duly registered MSME (Micro, Small and Medium Enterprises) Entity, named Digital Payments Solutions, and the applicant basically is doing Business of providing Financial Services, through Electronic means, and is carrying out distribution of mobile banking, mobile payments, and other related financial services by extending digital financial services to the common man. He next submits that as per the business module of the applicant enterprise, if any person wants to do any basic banking transaction, of depositing, withdrawing or transferring money through electronic mode, he can do so through a local appointed retailer through Aadhaar Enabled Payment System (AEPS) or Domestic Money Transfer (DMT) or through Micro ATM, provided by the parent company ISERVEU. He also submits that the crime has been committed by the persons named or the account details is described in the FIR and in the course of investigation the prosecution could find that, the part of money has been transacted through the authorized Bank accounts of the present applicant, as well as that of its parent company, M/s ISERVEU. He thereafter submits that the applicant is in jail since 19.10.2020, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application and submits that the applicant accomplice in the said cheating and there is a seizure of mobile phone and laptop from the applicant. Therefore, the present applicant may not be released on bail.
5. Learned counsel for the objector opposes the bail application and submits that the applicant is a master mind of the said cheating and different account holders were cheated in the name of lucky draw by the applicant along with other

accused persons, therefore the present applicant may not be enlarged on bail.

6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**