

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1694 of 2020**

1. Jeevan Kumar S/o Biltu Shah, aged 22 years R/o, Chhoti Mandir Nawabganj Patna City Patna (wrongly written Patina) (Bihar)

---- Applicant**Versus**

1. State Of Chhattisgarh, Through : Station House Officer P.S. Kotwali Ambikapur, District Surguja, Chhattisgarh.

---- Respondent**With****MCRCA No. 481 of 2021**

1. Abhishek Kumar @ Sallu S/o. Anup Prasad, aged about 17 years, R/o. Village Bhagwanpur, P.S. Katrisarai, P.O. Rajgir, District Nalanda, Bihar through guardian and maternal grand father Upendra Prasad S/o. late Pyare Lal Mahto, aged about 61 years, R/o. Village Balwapar, P.O. Chakwayar, P.S. Varsaliganj, District Navada, Bihar.

---- Applicant**Versus**

1. State of Chhattisgarh, Through : In-Charge of Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent**With****MCRCA No. 525 of 2021**

1. Monu @ Dharampal S/o. Shambhu Prasad, aged about 21 years, R/o. Village Palatpur, P.S. & P.O. Katrisarai, Sub Division (Anumandal) Rajgir, District Nalanda Bihar.

---- Applicant**Versus**

1. State of Chhattisgarh, Through : In-Charge of Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent**With****MCRCA No. 526 of 2021**

1. Sonu @ Shishupal S/o Shambhu Prasad, aged about 20 years, R/o. Village Palatpur, P.S. & P.O. Katrisarai, Sub Division (Anumandal) Rajgir, District Nalanda Bihar.

---- Applicant

Versus

1. State of Chhattisgarh, Through : In-Charge of Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Shakti Raj Sinha and Ms. Priyanka Mehta, Adv.
For Respondent/State	:	Mr. Samir Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

07.06.2021

1. Proceeding through video conferencing.
2. Since the aforesaid bail applications arise out of the same crime number, they are being decided by this common order.
3. These applications under Section 438 of the Code of Criminal Procedure have been filed by the applicants who are apprehending their arrest in connection with Crime No. 574/2020 registered at Police Station- Ambikapur, District Surguja (C.G.) for commission of the offence punishable under Sections 419, 420, 120 B of the IPC and Sections 66C & 66D of the IT Act.
4. As per the prosecution case, the allegation against the present applicants is that they created fake id of company and obtained Rs.33,000,00/- from the complainants on the pretext of giving Dealership of Java Company and thereby committed fraud with the complainants.
5. Learned counsel for the applicants submit that the present applicants are innocent and have been falsely implicated in this case. They further submitted that the offence has been registered only on the basis of memorandum of co-accused persons namely Avinash and Nishant and except this there is no incriminating material on record against the applicants. They also submit that co-accused person Nishant Kumar and others have been granted bail by the Sessions Court, therefore, the present applicants may also be granted anticipatory bail.
6. On the other hand, counsel for the State however opposes the

application for anticipatory bail and submits that at first the amount was deposited in the account of appellant Sonu in MCRCA No. 526/2021, thereafter, the same was deposited in the accounts of other co-accused persons by this applicant.

7. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the quality of evidence against the applicants, at this stage, I am not inclined to release them on anticipatory bail.
8. Accordingly, their anticipatory bail applications filed under Section 438 of the Code of Criminal Procedure are rejected.

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