

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.27 of 2021

Apoorav Gupta S/o Shri Ramsevak Gupta Aged About 30 Years R/o Plot No. 2/13 Himalaya Pride, B-Tower Grater Noida U. P. Gautambudha Nagar, District (Revenue And Civil) Greter Noida, Uttar Pradesh ---- **Applicant**

Versus

State Of Chhattisgarh Through The Police Station Khursipar, District Durg Chhattisgarh ---- **Respondent**

For Applicant	:	Shri Ajay Kumrani, Advocate
For Respondent/State	:	Shri Lalit Jangde, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/06/2021

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.266/2019 registered at Police Station- Khursipar District Durg, C.G. for the offence under Sections 420, 467, 468, 471, 201 & 120-B of IPC and Section 66-D of Information Technology Act.
2. Prosecution case is that the applicant and other co-accused hatched conspiracy to cheat complainant- Manorama Jain in the name of providing her insurance and investment scheme of installation of towers and from time to time huge amount was collected from the complainant, to the tune of Rs.62 lacs and in this manner, complainant was cheated.
3. Learned counsel for the applicant would argue that the applicant has been involved in the alleged commission of offence without there being any clinching material to show that the applicant is prima facie involved in the alleged act of conspiracy. He would submit that only on the basis of memorandum statement of the co-accused, the applicant cannot be said to be involved unless it is found that except working, he received money either from the complainant by way of cash or cheque or he received money or transfer money in the accounts of other accused of the case. He would further submit that similarly situated employees working in the call center

were made witnesses and they have stated in the diary statement that they were engaged as an employee and used to supplied list of customers to call them and encourage for investments and nothing more. His next submission is that the applicant is in jail since 13.12.2019, investigation is complete, charge sheet has been filed and trial is not likely to be concluded early, therefore, at this stage, the applicant may be granted bail.

4. Learned counsel for the applicant would submit that earlier bail application was rejected reserving consideration on merits taking into consideration that the bail application of co-accused Ranjeet Singh has been rejected and other accused have withdrawn their bail applications.
5. It is submitted that later on bail application of Ranjeet Singh who happens to be the main accused has been allowed vide order dated 27.01.2021 in M.Cr.C. No.504 of 2021 by Coordinate Bench and other co-accused namely Anuj Verma, Saiyad Mohd. Faiz Ulla Faizi, Manjesh Kumar Chouhan, Gyasuddin have already been granted bail and the case of the prosecution is that whatever transaction happened between the complainant and Ranjeet Singh and other accused are similarly situated as present applicant who have been granted bail.
6. On the other hand, learned State counsel opposes the bail application and submits that huge amount is involved in the present case and the complainant has been cheated and the applicant was also one of the employee.
7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegation against the applicant and that co-accused Ranjeet Singh, Anuj Verma, Saiyad Mohd. Faiz Ulla Faizi, Manjesh Kumar Chouhan, Gyasuddin have already been granted bail by this Court, at this stage, I am inclined to grant bail to the applicant. Accordingly, the application is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to

fair and expeditious trial; and

(ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge