

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 323 of 2023**

1. Prakash Mandal, S/o Chano Mandal, Aged About 26 Years
2. Hemlal Hasda, S/o Ukevar Hasda, Aged About 22 Years

Both of the above applicants are R/o Modabadi, P.S. Chitra, District Deoghar, Jharkhand.

---- Applicants**Versus**

State of Chhattisgarh Through Police Station - Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate.

For Respondent-State : Ms. Madhunisha Singh, Deputy Advocate General.

Hon'ble Shri Justice Rakesh Mohan Pandey, Judge

Order on Board**15.03.2023**

1. The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No.188/2022, registered at Police Station Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh for the offences punishable under Sections 420 read with Section 34 of the Indian Penal Code and Section 67(A) of the Information Technology Act, 2000.
2. As per prosecution story, complainant Nandlal Gupta lodged a complaint that on 29.05.2022, he received a phone call from certain mobile number, where caller told him to sent an OTP as his KYC is pending for renewal. Thereafter, complainant received an OTP and

he forwarded it to the mobile number, from which he had received a phone call. After some time, he got a notice that Rs.99,900/- has been withdrawn from his account.

3. The learned counsel for the applicants would submit that mobile numbers of the present applicants have not been used in the commission of offence and there is no material in the entire charge-sheet against the present applicants. They are not the beneficiaries. He would further submit that charge-sheet has been filed and applicants are in jail since 14.10.2022, and thus, he would pray for grant of bail.
4. On the other hand, the learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. From the case diary, it appears that on 02.06.2022 after receiving a phone call and getting an OTP, the complainant sent that OTP to the person from whom he had received a phone call and thereafter, Rs.99,900/- was deducted from his account.
7. Learned State counsel fairly submits that mobile number which was used in commission of offence has not been seized.
8. Considering the above discussed facts and further taking into consideration that charge-sheet has been filed and the present applicants are in jail since 14.10.2022, without commenting on merits of the case, I am inclined to allow this application.

9. Accordingly, the application is allowed. The applicants are directed to be released on regular bail on their furnishing a personal bond for a sum of Rs.50,000/- each with one surety in the like sum to the satisfaction of trial Court for their appearance as and when directed.

Sd/-

(Rakesh Mohan Pandey)
Judge

Anu