

Order Reserved on 14.12.2022
 Order Pronounced on 09.02.2023
 NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8226 of 2022

Amarjeet Kumar S/o Lalo Prasad Aged About 24 Years Caste-Kurmi,
 Occupation- Labour, R/o Village Bhikhni Bigha, Post- Konda, Police Station-
 Sare, District- Nalanda (Bihar)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
 Ambikapur, District- Surguja Chhattisgarh.

----Non-Applicant

MCRC No. 8235 of 2022

Ayush Raj S/o Vijay Prasad Aged About 28 Years Occupation Shopkeeper,
 Resident Of Village Nuanma, Police Station Asthama., District : Nalanda, Bihar

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
 Ambikapur., District : Surguja (Ambikapur), Chhattisgarh.

----Non-Applicant

For Applicants:	Shri Jitendra Shrivastava, Advocate
For Non-Applicant/State:	Shri Shreshtha Gupta, Panel Lawyer

CAV Order

Hon'ble Shri Justice Sachin Singh Rajput

1. Since both the applications are arising out of the same crime number, therefore, they are being disposed of by a common order.
2. The applicants have preferred the first bail applications under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No.426/2022 registered at Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 420, 34 of Indian Penal Code and Section 66 (D) of the Information Technology Act.
3. Case of the prosecution is that the complainant Pranay, Shekhar Ghosh lodged a report alleging that amount of Rs.13,81,800/- through online

cheating was embezzled. During investigation the applicants have been arrested.

4. Counsel for the applicant submits that the applicants have been falsely implicated and they have not committed any crime, there is no evidence against them to connect with the crime. He further submits that the alleged amount has not been received by the present applicants and the Police has not collected any evidence to show that the present applicants have committed the online cheating with the complainant. He also submits that the allegations are against Prashant Agrawal and Pulkit Kapoor. He further submits that according to FIR. The said amount was deposited in the Bank account of Ahmed Ali Mufti and not in the account of present applicants. He further submits that the applicants have neither any relation with the Lenskart institute nor any relation with the said Ahmed Ali Mufti.
5. On the other hand learned State counsel opposes the bail application and submits that sufficient evidence available against the present applicants in the case diary and they have very cleverly defrauded the complainant, therefore, the application may be rejected. He further submits that in the event of bail, local surety may be asked for and they may be restrained from leaving the State of Chhattisgarh without prior permission of trial Court because they belong to State of Bihar for which counsel for the applicants does not object.
6. I have heard learned counsel for the parties, considered their rival submissions made herein above and also perused the case diary.
7. Looking to the facts and circumstances of the case, looking to the nature of allegations, evidence collected so far, charge-sheet has been filed, trial is likely to take time, applicants are in jail since 21/06/2022, this Court is inclined to allow the applications of the applicants. The applications for grant of regular bail are allowed and they shall be released on bail on each of them furnishing personal bond of Rs.50,000/- with one local surety of the like sum to the satisfaction of the trial on the following conditions:-

- (i) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such fact to the Court,
 - (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial,
 - (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial unless exempted.
 - (iv) They shall not meet any of the prosecution witnesses till conclusion of trial.
8. It is made clear that the observation made herein above is only for the purpose of decision making of the bail applications of the applicant and to appreciate the arguments advanced by the learned counsel for the parties. It will not have any bearing on the merits of the case. The learned trial court will decide the case on its own merits without being influenced by any observation made herein above. If the applicants violate any of the conditions stated above, State would be free to move for cancellation of bail.
9. Certified copy as per rules.

Sd/-

Sachin Singh Rajput
Judge

Kamde