

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 547 of 2023**

- Mukesh Mandal S/o Suresh Mandal Aged About 27 Years R/o Village Jhiluvatola, Kharbani, Post Devalbadi, Police Station Narayanpur, Tehsil And District Jamtada (Jharkhand)

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: ShriAmiyakant Tiwari, Advocate
For Respondent/State	: Shri Gurudev I.Sharan, GA

Hon'ble Shri Justice Rakesh Mohan Pandey**Order On Board****29/03/2023**

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 647/2022 registered at police station Supela, District Durg (CG) for the offence punishable under Sections 420/34 IPC and Section 66-D of the Information Technology Act.

2. As per prosecution case, on 10.07.2022, complainant Pushpendra Kumar Gajendra lodged a written complaint that he received some calls from two mobile numbers (i.e. 9432738705 & 9907673508) requesting him to deposit the electricity bill. Later on he was informed that he has to deposit only Rs. 30/- and on 14.07.2022, he got message of debit of Rs. 1,48,030/- from his account. On such

complaint, police registered FIR against unknown persons. During the course of investigation, the police went to village Jhiluva Kharbani, Thana Narayanpur, district Jamtara, Jharkhand and they recorded statement of one Rohit Mandal, who informed the police that the present applicant is also involved in the online fraud activity. The police took the present applicant into custody and seized a new mobile number i.e. 8969656365 which was registered in the name of one Shubham Saha and thereafter the present applicant was arrested.

3. Counsel for the applicant would submit that there was no complaint in relation to the mobile number of the present applicant i.e. 8969656365 but the complaint was made by two other different numbers. He would submit that there is no material in the entire charge sheet against the present applicant except seizure of mobile number of one Shubham Saha, though he is not the beneficiary. He would further submit that in the present case, charge sheet has been filed, he is in jail since 22.09.2022 whereas the other co-accused persons are still absconding thus he would pray for grant of bail to the applicant.

4. On the other hand, counsel for the State would oppose the bail application.

5. I have heard counsel for the parties and perused the case diary.

6. Considering the fact that no complaint was made by the complainant against the mobile number which was being used by the present applicant nor the amount was transferred in his account and in the charge sheet except memorandum of the present applicant and seizure of mobile which was registered in the name of Shubham Saha there is nothing incriminating material against the present applicant.

Further considering the fact that the charge sheet has been filed and the present applicant is in jail since 22.09.2022, I am inclined to allow the bail application. Accordingly, the application filed under Section 439 of the Code of Criminal Procedure is allowed.

7. It is directed that in the event of the applicant furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail subject to the following conditions:

- (i) he 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 him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
- (iv) he shall not involve himself in any offence of similar nature in future.

8. The observation made in the course of this order is only for considering the case of applicant on the application for grant of regular bail. The concerned trial Court shall not be influenced or bound by the observation made in the course of this order.

Sd/-
(Rakesh Mohan Pandey)
Judge