

MISC. CRIMINAL CASE No. 25170 of 2022

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 26th OF MAY, 2022

MISC. CRIMINAL CASE No. 25170 of 2022

Between:-

**TUNTUN PRASAD S/O RAMCHANDRA PRASAD RAJAK , AGED ABOUT
28 YEARS, OCCUPATION: DUKAN SANCH KADA ROAD, BAZAR,
DURGAPUR, PAKSHEEM BANGAL, (WEST BENGAL)**

.....PETITIONER

(BY SHRI A.K. SAXENA, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE SATATION CYBER CELL, INDORE (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI RAJESH JOSHI, GA.)

*This application coming on fo admission this day, the court passed
the following:*

ORDER

This is second application under Section 439 of Cr.P.C. filed on behalf of the applicant for grant of bail. The applicant is implicated in connection with Crime No.105/2021 registered at Police Station- Cyber Cell, District-Indore (MP) for offence punishable under Sectiona 419, 420 and 120-B oF IPC and sections 66(c) and 66(d) of I.T. Act. The applicant is in custody since 26/10/2021

As per prosecution story, complainant Dr. Jitendra Bhatnagar

received a message on his mobile number regarding block of his SBI account and for re-starting it and for KYC, he is required to contact on mobile number i.e. 7384375097. On being contacted on the said mobile number, the co-accused gave some instructions and fraudulently withdrew amount of Rs. 7,40,000/- from the bank account of the complainant. A report of the said incident was lodged by the complainant, at police station- Cyber Cell, Indore. During investigation, it was found that amount of Rs. 4,65,000/- had been transferred in the account of co-accused Shubhojit Patra. Present applicant was also involved in the alleged offence along with the co-accused. Accordingly, the aforesaid offences were registered and the present applicant was arrested.

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this offence. Investigation is almost complete. He is in custody since 26/10/2021. Final conclusion of trial will take sufficient long time. Complainant Dr. Jitendra Bhatnagar has received the demand draft amounting to Rs. 7,44,000/- on 11/05/2022. Learned counsel further contended that co-accused Shubhojit Patra has been released on bail by this Court vide order dated 11/05/2022 passed in MCRC no. 19340/2022. Under these circumstances, learned counsel prays that the present applicant be released on bail on the ground of parity.

Per-contra, learned PL for the respondent/State opposes the bail application and prays for its rejection.

Perused the case diary as well as the impugned order of the trial Court.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also taking note of the

fact that co-accused Shubhojit Patra has been released on bail by this Court vide order dated 11/05/2022 passed in MCRC no. 19340/2022; .the applicant is in custody since 26/10/2021 the investigation is almost complete, therefore, no further custodial interrogation is required; final conclusion of trial will take long sufficient time, I deem it proper to release the applicant on bail on the ground of parity.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rs. On Lac)** with two sureties (**out of which, one local surety**) in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant in the present case also. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per Rules.

(ANIL VERMA)
VACATION JUDGE

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