

STATE VS. MOHAMMAD NADEEM & ORS

FIR No.345 dated 06.08.2024
under Sections 319 (2), 318 (4), 336 (2), 338, 336 (3), 340 (2),
308 (2) of BNS & 61 (2), 66C, 66D I.T.Act 2000
P.S.Zirakpur.

APPLICATION FOR GRANT OF BAIL

Present: APP for the State.
Sh. Vikas Garg, Adv. Counsel for applicant/accused
Mayank, Aksha, Nitish Bassi, Akash Bisht, Rahul Kumar
& Ajay Kumar.
Sh. Gorav Agnihotri Adv. Counsel for applicant/accused
Shivani.
Sh. Harsh Rathour Adv. counsel for applicant/accused
Malti Kumar.
Sh. Sanjay Singh Adv. counsel for applicant/accused Riya
Chauhan.

ORDER

This composite order shall dispose of applications for grant of bail moved by the applicants/accused Mayank, Aksha, Nitish Bassi, Akash Bisht, Rahul Kumar, Ajay Kumar, Shivani, Malti Kumar and Riya Chauhan, wherein it has been pleaded that accused/applicants have been falsely implicated in the present FIR. The applicants are innocent persons as they were doing private job and were not aware of the working of main accused. Therefore, with these submission prayer for allowing the bail applications have been.

2. Notices of the bail applications were given to the learned APP for the State, who contested the same by filing separate written replies. It is submitted by the learned APP for the State that they are allegedly involved in the offence of cheating the innocent people in foreign countries and in India by trapping them in a trap and thereby collected lakhs of rupees. If released on bail, the applicants can misuse the concession of bail and there is possibility of accused absconding from the process of law. He further submitted that allegations against the accused are serious in nature, so they may not be released from custody.

3. I have given thoughtful consideration to the respective submissions of both the sides and have also gone through the record

4. In the present case the allegations against the applicants are that they along with other accused persons have committed cheating with the innocent people in foreign countries as well as in India by trapping them in a trap and collected lakhs of rupees. From the record it is clear that the applicants/accused are facing serious allegations of cheating and collecting lakhs of rupees and operating as a gang. Further recovery of money and arrest of other co-accused is yet to be made. Therefore they may temper with the evidence of the prosecution or abscond from the process of law if they are set at liberty after granting them the concession of bail. Reliance can be placed observations made in case titled as **Jaspal Singh Gill Vs. State of Punjab, AIR 1984 (SC) 1503**, wherein it has been laid down as under:-

The Court while granting bail in non bailable offence should take into consideration, the following factors amongst others:-

1. The nature and gravity of offence,
2. The reasonable probability of presence of the accused to be secured,
3. The possibility of the accused in tampering with the prosecution evidence,
4. Larger interest of the State or the public.

So, applying these considerations and keeping in view of the fact and circumstances of the case, this court is constrained to hold that accused/applicants are not entitled to the concession of bail in this case as there is apprehension that accused may misuse the same if released on bail. Thus, application moved by the applicants/accused are hereby dismissed without expressing any opinion on the merits of the case. The applications stand disposed off accordingly.

Announced in open Court:

17.08.2024

Parveen
Stenographer-II

(Ramesh Kumar) PCS
Judicial Magistrate Ist Class
Dera Bassi/ UIDPB0456

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Replies filed. Arguments heard. Vide my separate detailed
order of even date bail applications moved by applicants/accused
Mayank, Aksha, Nitish Bassi, Akash Bisht, Rahul Kumar, Ajay Kumar,
Shivani, Malti Kumar and Riya Chauhan have been dismissed and
disposed of accordingly. Papers be tagged with the main file.

Announced in open Court:

17.08.2024

Parveen
Stenographer-II

(Ramesh Kumar) PCS
Judicial Magistrate Ist Class
Dera Bassi/ UIDPB0456