

Court No. - 74

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Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22391 of 2021

Applicant :- Kuldeep

Opposite Party :- State of U.P.

Counsel for Applicant :- R.P.S. Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble J.J. Munir,J.

This is an application for bail on behalf of the applicant, Kuldeep in connection with Case Crime No.5 of 2021, under Sections 406, 420, 306, 467, 468, 471, 120B IPC, Police Station Kutubsher, District Saharanpur.

Heard Mr. R.P.S. Chauhan, learned Counsel for the applicant and Mr. S.S. Tiwari, learned A.G.A. for the State.

The submission of the learned Counsel for the applicant is that the deceased might have been cheated of his hardened money by the other co-accused, but so far as the applicant is concerned, he is not connected with the transaction at all. It is argued that none of the mobile numbers employed in cheating the deceased, that drove him to commit suicide, are in any way connected to the applicant, let alone being in the applicant's name. All the mobile numbers, that have been traced and said to be recovered, belong to the co-accused. It is also submitted that so far as the applicant is concerned, no sum of money has been credited in his Bank account, which constitute proceeds of this crime. He is a young man, who has no involvement at all in the so called racket to defraud members of the public, asking them to pay a certain sum of money for extension of a loan facility. It is pointed out further by Mr. Chauhan that so far as the applicant is concerned, the allegation against him is that he was apprehended riding a Scorpio SUV along with the other co-accused and that from the latter's custody or person, incriminating material, including mobile phones were recovered. Mr. Chauhan further submits that so far as the offence under Section 306 IPC is concerned, no case is made out, inasmuch as there is no evidence to show any act of instigation, aid or conspiracy within the meaning of Section 107 IPC was committed, so as to attract the provisions of Section 306 IPC.

Learned A.G.A. on the other hand has vehemently opposed the prayer for bail. It is argued that the present

crime is an organized and widespread phenomenon, where innocent members of the public, who are already reeling under the debilitating effect of the Covid-19 pandemic, are being psychologically caught in their weak moments to part with money on the pretext of securing loans to them or rewards under schemes. The accused are part of an organized racket, who are cheating the public of their hard earned money, adding to their already accentuated woes. In this case, the deceased was promised a Bank loan of Rs.10 lakhs and in consideration was made to part with a sum of Rs.1 lakh and odd. Thereafter, he was ditched as the learned A.G.A. says. The deceased could not withstand the shock of losing a sum of Rs.1 lakh to cheats and frauds and ultimately committed suicide.

This Court has keenly considered the submissions advanced on both sides. Indeed, the act of cheating a person, seemingly by a well organized gang, in times that are so hard and dear on account of the Covid-19 pandemic, where scores of citizens have lost their jobs, is an enormous crime. It has to be dealt with by an iron hand. The deceased committing suicide, may not technically lead to the applicant or the other co-accused being guilty of the offence of abetment or it may, but certainly it is a dastardly act of cheating, practiced on innocent citizens by a well organized racket of men, who have no conscience. So far as the applicant is concerned, he has been caught red handed along with those men, from whose custody mobile phones etc. have been recovered, that were employed in perpetuating this fraud. This Court feels that it is high time when the State police must take widespread action to immediately bring to book all offenders, who call up citizens and make them cough up money by offering alluring schemes for the provision of loans or TV show rewards or lottery bonanzas. This Court is convinced that no case for bail is made out.

The bail application is hereby **rejected**.

The Director General of Police, U.P., Lucknow shall take immediate steps to trace out this widespread racket of hardened criminals, who are cunning cheats, calling up innocent citizens with alluring offers about extension of loans or lucky draws that they have won or rewards relating to TV shows, that have gone in their favour, so as to extract hard earned money from their pockets in these trying times. The Director General of Police, U.P., Lucknow shall immediately issue circulars to the District

Police Heads to come down heavily on such cheats and frauds and bring them to book.

Let this order be communicated to the Director General of Police, U.P., Lucknow **forthwith** by the Registrar (Compliance).

Order Date :- 30.6.2021

Anoop