

**Court No. - 77**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 54278  
of 2021

**Applicant :-** Rajesh Singh

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Kamal Dev Singh Chanchal

**Counsel for Opposite Party :-** G.A.

**Hon'ble Om Prakash Tripathi,J.**

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

This application has been filed with a prayer to release the applicant on bail during the trial in **Case Crime No. 554 of 2020, under Sections 409, 420, 120-B IPC, P.S.- Cantt, District Varanasi**, during pendency of trial.

First Information Report has been lodged by Arvind Kumar Srivastava against the applicant and five other accused. According to prosecution case, two years ago, during pandemic of COVID-19, accused persons had started an advertisement company, namely, Doorotisers Media Pvt. Ltd. Co. 704 Signature-1, sG Highway Makarba, Ahmedabad-380051 (catchy pixel) to earn money by using digitization. The applicant published an advertisement to earn Rs.5,000/- per month for a period of 7 years from his home, to earn Rs.11,500/- for upgrading and to earn Rs.11,500/- for installation of new LED TV. For this offer, company has advertised on social media and by making forgery also used the name and photograph of The Prime Minister of India. After seeing this advertisement, informant came to the applicant's office. The applicant informed the informant that he would give TV to him and informed that if he regularly watches TV for 4-6 hours and 22 days in a month, the applicant would pay Rs.5000/- per month to him. In this regard, informant deposited Rs.45,000/- through cheque for one LED TV, Rs.38,000/- for upgradation of TV on 23.04.2020 and also Rs.83,000/- for booking another LED TV on 03.05.2020 via google pay. The total amount paid by the informant is Rs.1,66,000/- but the company has neither paid any amount to the informant nor PDC cheque and has also not given any connection of LED TV. On

09.06.2020, the applicant closed the company and absconded.

It is contended by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. He next submits that money has alleged to be deposited in the account of company namely Cathcy Pixel and not in the account of present applicant. He next submits that applicant himself is a victim as cheating committed by the company and he was no way involved to commit any forgery. He next submits that applicant has taken franchise of company Cathcy Pixel after an advertisement published on Youtube. He next submits that there are four cases of criminal history of the applicant in which he has been enlarged on bail. He next submits that applicant was not involved in committing the aforesaid offence. Applicant is languishing in jail since 04.08.2021. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

Per contra, learned A.G.A. opposed the prayer of bail and has submitted that applicant is the proprietor of master franchise Cathcy Pixel and on the instigation and assurance of the applicant, informant had deposited money through the franchise of the applicant. Later on, the main company fled after closing the office and misappropriating the money. Applicant has also not given LED TV and no payment has been made by the applicant. Applicant is sole perpetrator of the crime and has participated in the conspiracy. Company and applicant had misappropriated huge amount deposited by others. Nowadays, it is prevalent that open a fake company and on false assurance, misappropriate the deposited money, close the office and run away. Applicant has criminal history of four cases, relating to cheating and misappropriation of money deposited by the public. Keeping in view the interests of the depositors, applicant has committed a very serious offence and the bail application of the applicant is liable to be rejected.

Having considered the submissions made by the learned counsel for the applicant and learned A.G.A. for the State and upon perusal of the evidence brought on record as well as considering the complicity of the accused, I do not find any good reason to exercise my discretion in favour of the accused applicant, thus the bail applicant is stands rejected at this stage.

The bail application is, accordingly, **rejected**.

The trial Court is directed to expedite the trial of the present case and conclude the same as expeditiously as possible from the date of receipt of certified/computerized copy of this order, keeping in view the law laid down by the Apex Court in the case of **Alakh Alok Srivastava Vs. Union of India and another reported in AIR 2018 (SC) 2440**, if there is no legal impediment.

**Order Date :- 25.3.2022**

Priya