

## Sumit Yadav vs State Of U.P. on 28 March, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44082

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5077 of 2025

Applicant :- Sumit Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Neeja Srivastava,Ranjay Kumar,Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Manoj Yadav, deponent of the case and learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 16 of 2025, under Sections 319(2), 318(4), 338, 336(3), 340(2), 111(2)(B) BNS and Section 66D of Information Technology Act, Police Station Kotwali, District Mau, during pendency of the trial in the court below.
3. FIR of the present case was lodged against 30 persons including applicant with the allegation that they indulged in the fraud of online gaming and as per allegation, from the account of the applicant from May, 2023 to October, 2023 total transaction of Rs. 34.73 lacs were made.
4. It is further alleged that when accused persons were arrested then from their possession number of laptops and other materials were recovered.
5. Deponent of the case submitted that on the basis of false allegations applicant has been made accused in the present matter alongwith 29 others and admittedly, nothing incriminating could be recovered from his possession and only allegation against him is that from his Bank Account No. 110117329358 of Canara Bank from May, 2023 to October, 2023 transaction of total Rs. 34.73 lacs

were made but actually applicant is himself victim.

6. He next submits that actually applicant was an unemployed youth and some unknown person approached him with regard to the job and he also told the applicant that you will have to open a bank account and thereafter, applicant opened Account No. 110117329358 in Canara Bank and on the instructions of unknown person, he also linked his bank account number with the mobile number provided by the unknown person but when subsequently in November, 2024 applicant came to know that some transactions were made from his bank account then he immediately on 7.4.2025 moved an application before In-charge Cyber Cell Officer, Mau alongwith his affidavit which has been annexed at page 152 of the paper book. He further submitted that above application and affidavit were filed by the applicant before lodgement of the FIR of the present case and this fact shows his innocence.

7. He further submitted that apart from the present case, applicant is having no criminal history and therefore, it cannot be said that he is the member of any crime syndicate and there is no material available on record, on the basis of which it can be said that he committed the offence of organized crime.

8. He further submitted that applicant has a very good academic record and he is appearing for competitive examination and by implicating him in the present matter, his entire career has been ruined.

9. He further submitted that applicant is in jail in the present matter since 22.1.2025.

10. Per contra, learned AGA opposed the prayer for bail and submitted that bank account number of the applicant was used and huge transaction was made from his account therefore, it cannot be said that he is innocent. However, he could not dispute the fact that FIR of the present case was lodged on 21.1.2025 and before lodgement of the FIR on 7.12.2024, applicant himself moved an application to the In-charge Cyber Cell, Mau alongwith his affidavit that his bank account is being misused.

11. He further could not dispute the fact that applicant is not having any previous criminal history and in the present matter, applicant is in jail since 22.1.2025

12. I have heard learned counsel for the parties and perused the record of the case.

13. However, as per allegation applicant alongwith other accused persons indulged in the offence of cyber crime and from his bank account, transactions of Rs. 34.73 lacs were also made from May, 2023 to October, 2023 but it appears, before lodgement of the FIR of the present case, he on 7.12.2024 moved an application alongwith his affidavit before In-charge Cyber Cell, Mau. The affidavit filed by the applicant alongwith the application dated 7.12.2024 has been annexed alongwith the instant bail application and genuineness of the same has not been controverted by learned AGA during the course of argument. Considering the affidavit filed by the applicant dated 7.12.2024, the argument advanced by learned counsel for the applicant with regard to the innocence of the applicant, cannot be completely brushed aside at this stage.

14. Further, admittedly, nothing incriminating has been recovered from the possession of the applicant.

15. Further, applicant is having no previous criminal history and in the present matter, he is in jail since 22.1.2025.

16. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be released on bail.

17. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

18. Let the applicant-Sumit Yadav, be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

19. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

20. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 28.3.2025/Ankita