

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 5935 of 2022

Gopal Kumar

..... Petitioner

Versus

The State of Jharkhand

.....Opposite party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Kripa Shankar Nanda, Advocate

For the NCB : Mr. Prashant Pallav, ASGI

Ms. Shivani Jaluka, A.C. to A.S.G.I.

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Order No.05/ Dated:11.08.2022

Heard learned counsel for the parties.

The petitioner has been made an accused in connection with Cyber Crime P.S. Case No. 49 of 2021 (Cyber Case No. 49 of 2021), registered for the offence under Section 379 & 420 of the Indian Penal Code and under Section 66(B), 66(C), 66(D) of the Information Technology Act, pending in the court of learned Additional Sessions Judge, II, East Singhbhum, Jamshedpur.

As per F.I.R. 3-4 persons, who were present inside the A.T.M. kiosk, replaced the A.T.M. card of informant while she was withdrawing Rs. 500/- from her account and had withdrawn Rs. 58,600/- in total.

Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all rather he has been falsely implicated in this case. It is submitted that petitioner is not named in the F.I.R. nor anything incriminating has been recovered from his possession to connect him in the present case. Petitioner undertakes to co-operate in the trial of the case by remaining physically present as and when required

and shall not indulge in any manner in tampering with the prosecution evidences or influencing the witnesses of prosecution, hence, the petitioner may be enlarged on bail.

Learned A.P.P appearing on behalf of State has opposed the prayer for bail of the petitioner and submitted that there are sufficient materials against the petitioner showing his involvement in the present case, hence he does not deserve bail.

Regard being had to the facts and circumstances of the case and nature of allegation against the petitioner coupled with materials available against petitioner, I am inclined to release the petitioner, on bail. Accordingly, the petitioner, named above, is directed to be released on bail on furnishing of bail bond of Rs. 25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Sessions Judge, II, East Singhbhum, Jamshedpur in connection with Cyber Crime P.S. Case No. 49 of 2021 (Cyber Case No. 49 of 2021) subject to the conditions:-

1. Petitioner shall remain physically present on each and every date till the conclusion of the trial of this case unless prevented from sufficient cause to the satisfaction of the learned trial court.
2. Petitioner shall not indulge in tampering with the prosecution evidences or influencing the prosecution witnesses.

In case of violation of the aforesaid condition the bail of the petitioner shall be cancelled and shall be taken into custody by the learned trial court itself for the purpose of trial.

(Pradeep Kumar Srivastava, J.)