

THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 6692 of 2022

1. Harichaitro Kumar Chaurasia @ Hari Chaitru Kumar @ Hariya @ Choti
2. Pankaj Kumar

..... Petitioners

Versus

The State of Jharkhand

.....Opposite party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioners : Mr. Lavanya Gadodia, Advocate

For the State : Mrs. Ruby Pandey, A.P.P.

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Order No.08/ Dated:21.12.2022

Heard learned counsel for the parties.

Apprehending their arrest in connection with Jamshedpur Cyber Crime P.S. Case No. 35 of 2021 instituted under Sections 419, 420, 467, 468, 471, 120B, 34 of the Indian Penal Code, and under Sections 66-C and 66-D of the Information Technology Act, 2000, the petitioners have moved this Court for grant of privilege of anticipatory bail.

As per F.I.R., allegation is that on the basis of confidential information received by informant about indulgence of some miscreants in commission of cyber-crime, a raid was conducted and one Manoj Kumar @ Manoj Kumar Chourasiya was apprehended at platform no. 3 at Tata Nagar Railway Station who has disclosed the name of his 9 associates including the present petitioner. Two mobile phones along with sim cards, Rs. 2300/- cash, adhar card, railway ticket were recovered from the main accused. It is alleged that in the F.I.R. that petitioners are involved in scratch coupons, in the name of sending medicines, providing tower, lucky draw, etc. and the accused persons engaged in swindling of money from their accounts.

Learned counsel for the petitioners has submitted that petitioners are innocent and have committed no offence at all rather they have been falsely implicated in this case. It is submitted that except the confessional

statement of the co-accused, Manoj Kumar, no material has been collected during investigation showing his involvement in any manner in the alleged offence. The account number and mobile phone of the petitioner has also been disclosed. On perusal of it also no offence is alleged in the F.I.R.. Petitioner is a land broker and in the entire statement of the account there was balance between Rs. 5 lakhs and 10 lakhs. Petitioner has no criminal antecedent. It is further submitted that other co-accused, namely, Manoj Kumar @ Manoj Kumar Chaurasiya was apprehended in this case has disclosed the name of the present petitioner and has been granted regular bail in B.A. No.16264 of 2021 vide order dated 09.02.2022 by the Co-ordinate Bench of this Court. It is further submitted that other co-accused, namely, Santosh Kumar, Mithilesh Kumar have been granted anticipatory bail by the Co-ordinate Bench of this Court in A.B.A. No. 866 of 2022 vide order dated 16.02.2022. It is lastly submitted that the petitioners undertake to co-operate with the investigation of the case and also abide by all terms and conditions which may be imposed in the matter of granting anticipatory bail to the petitioners. Hence, the petitioners may be extended the privilege of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of this case, the nature of allegation coupled with materials on record, I am inclined to grant privilege of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court below within four weeks from today and in the event of their arrest or surrendering, they will be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Jamshedpur in connection with Jamshedpur Cyber Crime P.S. Case No. 35 of 2021 with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him

and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their mobile number during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Pradeep Kumar Srivastava, J.)

R.K