

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**First Bail Application No. 2055 of 2022**

Bala Riyaz

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Present:-

Mr. Rahul Consul, Advocate for the applicant.

Mr. V.K. Jemini, D.A.G. with Ms. Meena Bisht, Brief Holder for the State.

**Hon'ble Ravindra Maithani, J. (Oral)**

Applicant Bala Riyaz is in judicial custody in FIR No.171 of 2022, under Sections 420, 120-B IPC and Sections 66-C and 66-D of the Information Technology Act, 2000, Police Station-Kotdwar Garhwal, District-Pauri Garhwal. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. It is a case of online fraud. The informant received a call. The caller introduced the informant as if he was speaking for YONO App. Thereafter, the caller guided the informant and the informant revealed the entire details of the ATM. In this process, Rs. 10,25,000/- were deduced from the account of the informant.

4. Learned counsel for the applicant would submit that the money was not deposited in any account concerned with the applicant; even the applicant's mobile number is not attached to any account number, in which the money was allegedly deposited; the applicant has no previous criminal history; he is in jail for a long. Hence, it is a case fit for bail.

5. On the other hand, learned State Counsel would submit that the amount was deposited in the account of the sister of the applicant. The sister of the applicant had earlier given a mobile number of his sister-in-law, which was linked with her account, but, subsequently, through internet banking, the mobile number of the main accused was linked with the account of the sister of the applicant. The sister of the applicant had told it to the Investigating Officer that it is the applicant, who was operating her account. The prosecution also collected information that the applicant and the main accused, whose telephone number was linked with the account of the sister of the applicant, had conversation for more than 200 times, at the relevant time.

6. These are very serious offences, which cheat innocent people by eliciting their bank details. This is one of such cases. Very rarely any direct evidence could be obtained in such cases. The kind of material, which has been collected in the instant case, makes a case for rejection of the bail application.

7. Having considered, this Court is of the view that there is no reason to grant bail to the applicant. Accordingly, the bail application deserves to be rejected.

8. The bail application is rejected.

(Ravindra Maithani, J.)  
11.01.2023