

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 4718 of 2022

Ashish Kumar @ Chandan Kumar Petitioner

Versus

The State of Jharkhand Opp. Party

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioner : Mr. A.K. Kashyap, Sr. Advocate

For the State : Mr. S.K. Shukla, A.P.P

5 /22.08.2022 Heard the learned senior counsel for the applicant & learned APP for the State.

This anticipatory bail application has been filed on behalf of the abovenamed applicant seeking anticipatory bail in connection with Latehar P.S. Case No.49/2022 under section 468, 471, 406, 419, 420 of the Indian Penal Code, section 66B, 66C, 66D of the Information Technology Act, section 90 of the Data Protection Act and under section 39, 40, 41 and 42 of Aadhar Act, pending in the court of learned Chief Judicial Magistrate, Latehar.

Learned senior counsel for the applicant has submitted that FIR of this case was lodged against three named accused including the applicant with these allegations that the applicant Ashish Kumar Sinha @ Chandan Kumar and other accused being the computer operator in the office of District Supply Office, Latehar had link of website in the DSO, supply office and in illegal way without permission of the DSO supply office Lateher obtained OTP and shared themselves. As such, all the three had hatched conspiracy by tampering the record saved in the computer after adding the name of rashan card holders.

Learned senior counsel for the applicant has submitted that the applicant has been falsely implicated in this case. Indeed inadvertently some mistake in the rashan cards was rectified. There is nothing on record to show that he had gained unlawful profit in any way causing loss to the government exchequer. The co-accused Roshan Raj has been granted anticipatory bail in B.A.No.3936/2022 vide order 16.08.2022 by the co-ordinate bench of this court. The applicant is having no criminal antecedent and has been implicated in this case with object to humiliate him on being arrested by the police.

Learned A.P.P. appearing on behalf of the State and vehemently opposed the contentions made by the learned counsel for the applicant.

In view of the above, no useful purpose would be served in keeping the present application pending or calling for counter affidavit from the State. Without expressing any opinion on the merits of the case, the applicant is entitled to be released on anticipatory bail, at this stage.

In the event of arrest, the above named applicant involved in the aforesaid case be released on anticipatory bail, on his furnishing bail bond of Rs.20,000/-(Rupees twenty thousand) with two sureties of the like amount to the satisfaction of the court concerned on the following conditions :-

- i. The applicant shall make him available for interrogation by a police officer as and when required.
- ii. The applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or any police officer or tamper with the evidence.
- iii. In default of any of the conditions mentioned above, the investigating officers shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.
- iv. The applicant shall co-operate in the trial before the court below and in case of non-cooperation, the trial court would be at liberty to cancel the bail of the applicant without any reference to this Court.

(SUBHASH CHAND, J.)