

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 5165 of 2022

Sanjay Das

..... Petitioner

Versus

The State of Jharkhand

.....Opposite party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Arvind Kr. Choudhary, Advocate

For the State : Mr. Vineet Kumar Vashistha, A.P.P.

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Order No.05/ Dated:05.08.2022

Heard learned counsel for the parties.

The petitioner has been made an accused in connection with Deoghar (Cyber) P.S. Case No. 24 of 2022, registered for the offence under Section 419, 420, 467, 468 & 471 of the Indian Penal Code and Section 66(B), 66(C), 66(D) & 84(C) of the Information Technology Act, pending in the court of learned Additional Sessions Judge-II-cum-Special Judge, Cyber Crime, Deoghar.

As per F.I.R. allegation against the petitioner is that he was in possession of three mobile phones containing different sim cards of different companies used in commission of cyber-crime which were recovered and seized from the possession of the petitioner.

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 only on the basis of suspicion. There is no evidence to show that petitioner has earned any money on account of cyber-crime committed by him rather police has extracted his confessional statement forcibly and mentioned that he has earned Rs. 50 lakhs in last 2-3 years. It

is further submitted that on the basis of said confession another case was also lodged in the State of Gujarat against the petitioner in which he is on bail. There is no criminal antecedent of the petitioner. It is further submitted that charge sheet has been submitted against the petitioner, hence, he is not required for further detention for the purpose of investigation. The petitioner is languishing in Judicial custody since 08.03.2022 without rhymes and reasons. 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 positive materials against the petitioner showing his involvement in cyber crime and has cheated several person and he has also earned more than Rs. 50 lacs, in case there is likelihood of repetition of same offence, if petitioner is granted bail, hence he does not deserve bail.

Considering 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-cum-Special Judge, Cyber Crime, Deoghar in connection with Deoghar(Cyber) P.S. Case No. 24 of 2022 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 any or other similar offence till the conclusion of the trial.

(3)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.

(Pradeep Kumar Srivastava, J.)

R.K.