

IN THE COURT OF DIST. & SESSION JUDGE:

BHUBANESWAR

BLAPL. No. _____ of 2023

IN THE MATTER OF:

An application under section 439 of Code of Criminal
Procedure,1973

AND

IN THE MATTER OF:

AN application for Bail in CT case No-
399/2024, arising out of Cyber Crime P.S Case No.
11/2024, which is now pending in the court of the
learned SDJM , Bhubaneswar

AND

IN THE MATTER OF:

Arun Shaju @ Henry Johnson Arun Shaju, aged about
42years, S/O:- Henery Johnson, At- No-16,A3
Vaishnavi Nagar, Thirumullaivoyal, Tiruvallur., State- .

.....PETITIONER

-VERSUS-

State of Odisha

.....OPP. PARTY

(The matter out of Bail Application arises was never before this Hon'ble Court in
this form what-so-ever as per the instruction of the Petitioner.)

The humble petition of

The Petitioner named above.

MOST RESPECTFULLY SHEWETH:

1. That, the Petitioner has been falsely implicated in a case for commission of offences punishable under sections 465, 467, 468, 471, 120-b, 419, 420/34 of Indian Penal Code, r/w 66(c), 66(D) of IT ACT, 2000 in connection with Cybercrime PS. Case No-11/2024, corresponding to CT Case No-399/2024, which is now pending in the Court of the learned SDJM, Bhubaneswar.
2. That, the prosecution case as per the F.I.R. story in short is that the informant has joined a WhatsApp trading group by getting information from his social media and subsequently log in himself in GSQT & IBGINON on advice of the group admin. After started the investment through these apps he booked profits then he deposited more money in these app for block trading & IPO listing by taking loan from Bajaj Finance, HDFC Bank and friends & relatives, which is amounting of RS-71.95 lakhs till 22.02.2024. While he was showing his inability to invest more amount, the apps has not released his deposited amount, after several tries he failed to get back his money and find no other ways he has lodged this present FIR.
3. That, during the course of investigation, the petitioners have been arrested and forwarded on dtd-06.08.2023 to the court of SDJM, Bhubaneswar, there after he prayed for bail on dtd.13/08/2024 before the hon'ble SDJM, Bhubaneswar, which has stand rejected by the learned court. The Free copy of the said order Dt. 13.08. 2023. attached here with as Annexure-1 for perusal of this Hon'ble court.
4. That, the Petitioner humbly submits that, the petitioner is no way involved in this case and under some suspicious manner, he has been apprehended by the Police Officials. This present petitioner is a director of ALPHENTRIX GLOBAL SERVICES PRIVATE LIMITED. The other co accused namely Mr, Seenu R made a brotherhood relationship with the petitioner and got his trust, he convinced the petitioner for making large amount of transaction through his bank account by giving assurance for arrangement of investment & loan for his company. Thereafter, in a good faith the petitioner has allowed him to access his account and gave all credentials about bank account. After verification by his banker, he found to know that there were lot of suspicious transaction has been done through his company account. Apart from that the petitioner has no way connected in this conspiracy.
5. That, the Petitioner humbly submits that, entire allegation levelled against him is omnibus in nature and there is no specific overt act has been

attributed on the part of the Petitioner for commission of offences as alleged by the Police. Only in a mechanical manner, the Petitioner has been dragged into the instant Case by the informant. The entire allegation levelled against the Petitioner by the confession of the co accused which is false baseless and afterthought which is clearly reveals from the F.I.R. itself.

6. That, it is respectfully submitted here that, in the meantime police started investigation into the matter. Apart-from-that-the-Petitioner having no such criminal-antecedent. That, in the meantime some of the witnesses has been examined by the police. And none of the independent witnesses as well as interested witnesses whispered a single word against the petitioner so far the present case is concerned. Hence the chance of absconding or avoiding trial does not arise if the petition U/S 439 of Cr.P.C. will be allowed by this Hon'ble Court and the present petitioner undertakes to Co-operate the Investigation as and when required by the I.O.
7. That, the petitioner is languishing inside custody since 06.08.2024 in view of the period of detention coupled with facts of the present case there is no legal bar to release the present petitioner on bail.
8. That, respectfully submit here that the petitioner is a highly educated and respectful personality in the society and he himself a victim of breach of trust by the above mentioned co accused.so there is no legal bar release the present petitioner on bail.
9. That, the investigation of the case has already progressed in a substantial manner and most of the prosecution witnesses has been examined by the I.O so further detention is no more benefit to the prosecution.
10. That, in view of submission made above it is expedient in the interest of justice the petitioner may kindly be release on bail with any suitable terms and conditions,

PRAYER

Under the aforesaid facts and circumstance, it is humbly prayed that, this Hon'ble Court may graciously be pleased to:

- I. Direct/ order that the petitioner shall be released on bail in CT. Case No-399/2024, arising out Cyber Crime PS. Case No-11/2024, which is now pending in the Court of the learned SDJM, Bhubaneswar, under any terms and conditions as may be deemed fit and proper in the interest of justice;
- II. Pass such other order(s)/ direction(s) as would be deemed fit and proper in the interest of justice.

And for which act of kindness, the petitioner as in duty bound shall ever pray.

BHUBANESWAR

By the petitioner through

Dt:

Advocate

CERTIFICATE

Certified here that there is no such bail application is not filed or pending before any court and High court of Orissa, Cuttack except this present one.

BHUBANESWAR

By the petitioner through

Dt:

Advocate