

# Mobin Ansari vs The State Of Jharkhand -- --- Opp. Party on 19 March, 2021

**Author: Aparesh Kumar Singh**

**Bench: Aparesh Kumar Singh**

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
A.B.A. No. 962 of 2021

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Mobin Ansari		--- --- Petitioner
	Versus	
The State of Jharkhand		-- --- Opp. Party
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CORAM: The Hon'ble Mr. Justice Aparesh Kumar Singh Through Video Conferencing

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For the Petitioner	: Mr. Mahesh Kr. Sinha, Adv.
For the State	: Mr. Shailendra Kr. Tiwari, A.P.P.

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02/19.03.2021          Heard learned counsel for the petitioner and learned A.P.P.

Petitioner seeks anticipatory bail in terms of Section 438 of the Cr.P.C. in connection with Jamtara Cyber Crime P.S. Case No. 53 of 2020 instituted under Sections 414/419/420/467/468/471/120(B) of Indian Penal Code and Section 66(B)(C)(D) of I.T. Act, pending in the court of learned Additional Sessions Judge-1, Jamtara.

Learned counsel for the petitioner submits that during a raid by the Sub-Inspector, Cyber Crime Police Station, Jamtara, 5 persons were arrested who disclosed the name of the petitioner. Several mobile sets along with SIM cards were recovered from his possession. Petitioner, however, has been implicated without any connection with the alleged offences and no incriminating article has been recovered from his person or possession. He is absolutely innocent in the matter. Therefore, he may be granted anticipatory bail.

Learned counsel for the State has opposed the prayer. Learned A.P.P. submits on the basis of instructions contained in memo no.456/21 dated 12th March 2021 submitted by the Inspector of Police, Cyber Crime Police Station, Jamtara that on the basis of the statement of informant, witnesses and the seized materials along with other evidence, case under Sections 414/419/420/467/468/471/120(B) of Indian Penal Code read with Section 66(B)(C)(D) of I.T. Act was found to be true. It is further stated that from the place of occurrence mobile with SIM having serial no. 89918 56050 00121 56343 and cell no.6205960787 was recovered which belongs to the

accused petitioner Mobin Ansari. From this SIM, Paytm has been generated. This e-wallet is used to defraud innocent persons. Investigation is continuing. He submits that the petitioner had managed to escape but his five accomplices were arrested from the spot and several stolen mobiles and forged SIMS were recovered which are used for perpetrating cyber crime and fraudulently transferring money by obtaining ATM No., CVV No., OTP etc. from the innocent account holders. Therefore, the petitioner may not be granted anticipatory bail.

I have considered the submissions of learned counsel for the petitioner and taken note of the facts and circumstances above.

It appears that during a raid by the Police personnel of Cyber Crime P.S., Jamtara on secret information on 15th October 2020 at 10.30 A.M., five cyber criminals were apprehended committing cyber crimes behind the house of one Mahajan Mandal, whereas three persons succeeded in fleeing. Several SIMS and stolen mobiles have been recovered from the place of occurrence. One of them belongs to the petitioner Mobin Ansari also.

Considering the nature of the crime and the gravity of the offence, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer is rejected.

(Aparesh Kumar Singh, J.) Shamim/