

# **Raju Mandal vs The State Of Jharkhand ..... Opposite ... on 16 July, 2021**

**Author: Kailash Prasad Deo**

**Bench: Kailash Prasad Deo**

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
[CRIMINAL MISCELLANEOUS JURISDICTION]  
B.A. No. 5188 of 2021

Raju Mandal		..... Petitioner
	Versus	
The State of Jharkhand		..... Opposite Party
	With	
	B.A. No. 3944 of 2021	
Dinesh Kumar @ Dinesh Kumar Mandal		..... Petitioner
	Versus	
The State of Jharkhand		..... Opposite Part
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CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO (Through : Video Conferencing)

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For the Petitioner : Mr. Sudhansu Kumar Deo, Advocate (in B.A. No.5188/2021) Mr. Vishal Kumar Trivedi, Advocate (in B.A. No.3944/2021) For the State : Mr. Shailendra Kumar Tiwari, Spl. P.P

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05/Dated: 16/07/2021:

Both the aforesaid bail applications are arising out of common FIR, as such, both are being heard together and disposed of, by this common order.

Heard, learned counsel for the parties.

Learned counsel for the petitioner has submitted that prayer for bail of these petitioners was earlier rejected by a common order passed in analogous matters vide order dated 03.11.2020, passed in B.A. No.5878 of 2020 with respect to Raju Mandal (petitioner) and B.A. No.7078 of 2020 with respect to Dinesh Kumar Mandal @ Dinesh Kumar (petitioner). The Hon'ble Court has pleased to reject their bail application on the ground that in the case of Raju Mandal, the police has recorded the statement of several persons, who have been cheated by Raju Mandal as their

money has been transferred by e-wallet. The statement of victim- Vijay Kumar Mehta recorded at para 148 of the case- diary, who has been cheated with amount of Rs.20,000/-, statement of the victim- Vilorina Mahesh recorded at para 149 of the case diary, who has been cheated with amount of Rs.16,000/- and the statement of victim, Hitesh of Gujarat recorded at para 150 of the case-diary, who has been cheated with amount of Rs.34,000/- have been observed by this Court.

Similarly in the case of Dinesh Kumar @ Dinesh Kumar Mandal (petitioner), the statement of victim, Manjula Ben has been recorded in para 141 of the case diary and statement of victim- Manjal Ansari has been recorded in para 142 of the case diary and they have stated under Section 161 Cr.P.C. that the accused has attempted to defraud and cheat by calling on the mobile phone and asking for furnishing of OTP, but they did not provide the OTP, as such, money has not been transacted, but mobile phone by which he has made a call has been recovered from possession of this petitioner. Under the aforesaid circumstances, this Court has earlier rejected the prayer for bail of both the petitioners on 03.11.2020 and they are in custody since 16.05.2020, though the other co-accused persons have subsequently been granted bail by co-ordinate Bench of this Court and the State has also not preferred any application before the Apex Court for cancellation of bail, as such, considering the parity, this Court may also grant bail to the petitioners.

Mr. Shailendra Kumar Tiwari assisted by Mr. Shekhar Sinha, learned counsel for the State appearing for the Cyber Crime has submitted that some of the co-accused persons have been granted bail but they are not co-operating in the trial though the State has taken steps before the competent authority for preferring application for cancellation of bail before the Apex Court in which the accused has been granted bail, but till date no decision has been taken by the State Authority.

Learned counsel for the State has further submitted that since there are ample materials against these petitioners, as such, these petitioners may not be granted bail again as their earlier prayer for bail have been rejected on finding sufficient materials by this Court.

Learned counsel for the State has further submitted that they shall take all steps for early conclusion of the trial, as such, these petitioners may not be enlarged on bail.

Considering the rival submissions of the parties, it appears that no fresh ground is made out and there are sufficient materials against the petitioners as recorded in the earlier order dated 03.11.2020 passed in B.A. No.5895 of 2020 with B.A. No.5878 of 2020 and B.A. No.7078 of 2020, as such, this Court is not inclined to grant bail to the petitioners. Accordingly, both the bail applications are hereby rejected. However, the trial court is directed to expedite the trial. It is further directed that if the accused persons who are enjoying the privilege of bail are not coming before the Court, the trial court may act in accordance with law.

(Kailash Prasad Deo, J.) Sandeep/R.S.