

Kapil Bhandari vs The State Of Jharkhand Opposite ... on 2 May, 2024

Author: Ratnaker Bhengra

Bench: Ratnaker Bhengra

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
B.A .No. 1389 of 2024
Kapil Bhandari Petitioner
Versus
The State of Jharkhand Opposite Party
with
B.A .No. 1407 of 2024
Upesh Rana Petitioner
Versus
The State of Jharkhand Opposite Party
with
B.A .No. 1478 of 2024
Mukesh Kumar Das @ Mukesh Das Petitioner
Versus
The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner(s) : Mr. Rahul Ranjan, Advocate [In BA No. 1389 of 2024] : Mr. Ankit Kumar, Advocate [In BA No. 1407 of 2024] : Mr. Lakhan Chandra Roy, Advocate [In BA No. 1478 of 2024]
For the State : Mr. Satish Prasad, APP [In all the cases]

05 /02.05.2024 All the cases arise out of the same police station case number, therefore, they are heard together and being disposed of by this common order.

Heard the learned counsels for the parties.

The petitioners are accused in connection with Deoghar (Cyber) P.S. Case No. 60 of 2023 registered under sections 419/ 420 /467 /468/ 471/120B of the Indian Penal Code and sections 66(B), 66 (C), 66(D) and 84 (C) of Information Technology Act pending in the court of learned Additional Sessions Judge-II, Deoghar.

The learned counsel for the petitioner, namely, Kapil Bhandari submits that there is no other criminal antecedent against the petitioner and he has been in custody from 8.11.2023 and the petitioner is ready to furnish sufficient sureties to the satisfaction of the court below, therefore, the petitioner may be allowed the privilege of bail.

The learned counsel for the petitioner, namely, Upesh Rana submits that he has been implicated in this case merely on the basis of suspicion and it has been alleged that during raid, after the petitioner was arrested and on search one Blue Colour Redmi Android mobile with SIM and one Central Bank ATM Card and Punjab National Bank ATM Card. The alleged recovered articles belongs to the petitioner and his family members and the same does not lead to infer that the petitioner was involved in cyber crime. Save and except from the aforesaid mobile/SIM no transaction has been made. It is further submitted that petitioner has one criminal antecedent being Deoghar (Cyber) P.S. Case No. 6 of 2021 and the Hon'ble High Court had granted bail to the petitioner in BA No. 6576 of 2021 vide order dated 28.07.2021. The petitioner is in custody from 08.11.2023, therefore, he may be allowed the privilege of bail.

The learned counsel for the petitioner, namely, Mukesh Kumar Das has submitted that from bare perusal of the FIR there is no any whisper that in what valuable security these petitioner has committed forgery and use the same anywhere else, therefore no prima facie case under section 467, 468, 471 of the IPC is made out against the petitioner. It is further submitted that petitioner has only one other criminal antecedent in which counsel has submitted that the petitioner has got bail. Counsel further submits that the petitioner is in custody from 08.11.2023, therefore, he may be allowed the privilege of bail.

Learned counsel for the State in BA No. 1389 of 2024, on the other hand, has opposed the bail petition and submitted that the petitioner is involved in cyber crime with other members of the groups, therefore, he may not be allowed the bail.

The learned counsel for the State in BA No. 1407 of 2024 has, other the other hand, opposed the bail petition and pointed out that on search one Blue Colour Redmi Android mobile with SIM and one Central Bank ATM Card and Punjab National Bank ATM Card has been recovered. The alleged recovered. It is further submitted that the petitioner is involved with a group of persons in carrying out the cyber crime, therefore, he may not be allowed the bail.

The learned counsel for the State in BA No. 1478 of 2024 has opposed the bail petition and submitted that serious offence of cyber crime has been committed by the petitioner, therefore, he may not be allowed the bail.

Having heard both counsels, gone through the records of the case and in the facts and circumstances of the case, I am inclined to release the petitioners, namely, Kapil Bhandari , Upesh Rana and Mukesh Kumar Das @ Mukesh Das, on bail, on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand only)each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Deoghar in connection with Deoghar (Cyber) P.S. Case No. 60 of 2023 , subject to the condition that the petitioners shall report to the concerned police station on every

last Saturday of the month, between 01:00 and 05:00 p.m for one year, failing which or if any adverse remarks regarding their non-appearance at the police station, their bail bonds shall be liable to be cancelled. Any exemption to such attendance shall be done so after direction of the learned Court below and the petitioners shall remain present on each and every date of trial before the Court below unless dispensed with by the learned Court below with further condition that the petitioners will submit self-attested photocopy of their Aadhaar Cards and also submit their mobile numbers before the learned court below which they will always keep active and will not change it during pendency of this case without prior permission of the court.

(Ratnaker Bhengra, J.) Sharda/