
(2020) 09 JH CK 0021
In the Jharkhand High Court
Case No : Bail Application No. 1380 Of 2020

Brij Mohan Prasad

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 02-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 419, 420, 468
Information Technology (Amendment) Act, 2008 — Section 66(C), 66(D)

Citation : (2020) 09 JH CK 0021

Hon'ble Judges : Rongon Mukhopadhyay, J

Bench : Single Bench

Advocate : Kripa Shankar Nanda, S.K. Tiwari

Final Decision : Allowed

Judgement

Heard learned counsel for the petitioner and learned counsel appearing for the State.

The petitioner is an accused in connection with Cyber P.S. Case No. 10 of 2019, registered for the offences punishable under sections 419, 420, 468 of the Indian Penal Code and under sections 66(C) and 66 (D) of the Information Act.

Earlier in this case notice was ordered to be issued to the opposite party no. 2 but neither the service report nor the A/D has yet returned.

Learned counsel for the petitioner filed a supplementary affidavit from which it appears that the notice has been served through mail to the informant. However, in spite of the said facts none appears for the opposite party no. 2 (informant).

It has been alleged that the informant was seduced by a caller named Kaya Malhotra and on the inducement of giving sexual favour communication was established between the informant and Kaya Malhotra and subsequent thereto an amount of Rs. 33,00,000/- was transferred to different accounts given by Kaya Malhotra and Dipti Singh. Learned counsel for the petitioner submits that the

petitioner has been made an accused being an associate of the main accused Amit Diwan who was the master mind behind such incident and in fact the matter between Amit Diwan and informant was compromised before the mediation centre and an amount of Rs. 38,00,000/- was returned to the informant. Learned counsel further submits that the petitioner is in custody since 24.06.2018.

Learned Spl. P.P. has opposed the prayer for bail of the petitioner and has submitted that the petitioner has got criminal antecedent which, however, has been denied by the counsel for the petitioner also stated that an inference has been drawn regarding the antecedent of the petitioner on the basis of the confessional statement rendered by the petitioner.

The aforesaid facts, therefore, indicate that the informant has returned back the amount pursuant to the compromise and main accused Amit Diwan has been granted bail by learned court below on 23.07.2019. The petitioner as stated above is already in custody since 24.06.2018.

Regard being had to the period of custody, the above named petitioner is directed to be released on bail, on furnishing bail bond of Rs. 10,000 (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Judicial Commissioner-II, Ranchi, in connection with Cyber P.S. Case No. 10 of 2019.