
(2020) 11 JH CK 0001

In the Jharkhand High Court

Case No : Bail Application No. 5698, 6605 Of 2020

Rajesh Mandal @ Rajesh Kumar Mandal And Anr

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 02-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 413, 414, 419, 420, 467, 468, 471
Information Technology Act, 2000 — Section 66(B), 66(C), 66(D)

Citation : (2020) 11 JH CK 0001

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : R.S. Mazumdar, Shahabuddin, P.C. Sinha, Shailendra Kr. Tiwari

Final Decision : Allowed

Judgement

Both the bail applications are arising out of common First Information Report i.e. Giridih Cyber P.S. Case No. 10/2020 dated 12.06.2020, for the offence registered under Sections 413, 414, 419, 420, 467, 468, 471 & 120B I.P.C. and Sections 66 (B), 66 (C) & 66 (D) of I.T. Act, as such, they are being heard together.

Heard, learned senior counsel for the petitioner, Mr. R.S. Mazumdar assisted by learned counsel Md. Shahabuddin in B.A. No. 6605/2020 and learned counsel for the petitioner, Mr. P.C. Sinha in B.A. No. 5698/2020.

Learned counsel for the petitioner in B.A. No. 5698/2020 undertakes to remove the defects as pointed out by the Stamp Reporter within 30 days after the physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defect(s).

B.A. No. 6605 of 2020 Learned senior counsel for the petitioner, Mr. R.S. Mazumdar has submitted that one mobile phone has been recovered from the possession of the petitioner, no material has been collected with regard to

financial transaction, petitioner has no criminal antecedent and petitioner is in custody since 13.06.2020, as such, petitioner may be enlarged on bail.

Learned counsel for the State, Mr. Shailendra Kumar Tiwari, Special Public Prosecutor for the Cyber Crime has opposed the prayer for bail but has not disputed that petitioner has no criminal antecedent and during investigation, no material has been collected by the Investigating Agency to show any financial transaction made by this petitioner and one mobile phone has been recovered.

Considering the rival submission of the parties, since the petitioner has no criminal antecedent and there is no material of financial transaction, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each in connection with Giridih Cyber P.S. Case No. 10/2020 to the satisfaction of learned District Additional Sessions Judge-II-cum-Special Judge, Cyber Case, Giridih on the following conditions:

(i) One of the bailors shall be the deponent / Pairvikar of the present case namely, Mahabir Mandal, son of Dhanraj Mandal, resident of Village - Chiksoriya, P.O. - Fuljharia, P.S. - Ahilyapur, Gandey, District - Giridih, who has furnished photocopy of his UID Card bearing number 3209 1066 3738 before this Court in the bail application.

Office is directed to send the photocopy of UID Card bearing no. 3209 1066 3738 of deponent alongwith this order to the court below so as to verify the authenticity of the bailor.

(ii) Another bailor shall be father / mother / son / wife / brother of the petitioner.

(iii) Petitioner shall appear before the learned trial court on each and every date till conclusion of trial.

(iv) Petitioner shall keep only one mobile phone and one ATM Card in his name and shall furnish mobile number to the Officer-in- Charge, Cyber P.S. Giridih as well as to the local police station i.e. Ahilyapur P.S. and will response to the calls made by Officer-in- Charge of both the police stations. Apart from this, petitioner shall appear on 1st Monday of each English Calendar Month before the Officer-in- Charge, Cyber P.S. at 10:30 a.m. till conclusion of trial and put his signature on the Register maintained by the Officer-in- Charge. If any default made by petitioner, the State is at liberty to file an application for cancellation of bail.

(v) The Jail Authority shall release the petitioner only after his medical check-up.

(vi) The Civil Surgeon, Giridih is directed to medically examine the petitioner at the time of his release and if he is infected with corona virus, he shall be taken for quarantine, but if no such requirement is there, he shall be released forthwith, if not wanted in any other case.

(vii) The petitioner shall follow all the guidelines issued by the Government to meet the challenges of Covid-19, as presently Country is passing through

pandemic of Covid-19.

B.A. No. 5698 of 2020 Learned counsel for the petitioner, Mr. P.C. Sinha has submitted that one mobile phone has been recovered from the possession of the petitioner, no material has been collected with regard to financial transaction, petitioner has no criminal antecedent and petitioner is in custody since 12.06.2020, as such, petitioner may be enlarged on bail.

Learned counsel for the State, Mr. Shailendra Kumar Tiwari, Special Public Prosecutor for the Cyber Crime has opposed the prayer for bail but not disputed that this petitioner has no criminal antecedent and there is no material with regard to the financial transaction and one mobile phone has been recovered from the possession of the petitioner.

Considering the rival submission of the parties, since the petitioner has no criminal antecedent and there is no material of financial transaction, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each in connection with Giridih Cyber P.S. Case No. 10/2020 to the satisfaction of learned District Additional Sessions Judge-II-cum-Special Judge, Cyber Case, Giridih on the following conditions:

(i) One of the bailors shall be the deponent / Pairvikar of the present case namely, Hemlal Mahto, son of Tuplal Mahto, resident of Village - Nawada, P.O. & P.S. - Taratand, District - Giridih, who has furnished photocopy of his UID Card bearing number 9931 1566 3787 before this Court in the bail application.

Office is directed to send the photocopy of UID Card bearing no. 9931 1566 3787 of deponent alongwith this order to the court below so as to verify the authenticity of the bailor.

(ii) Another bailor shall be father / mother / son / wife / brother of the petitioner.

(iii) Petitioner shall appear before the learned trial court on each and every date till conclusion of trial.

(iv) Petitioner shall keep only one mobile phone and one ATM Card in his name and shall furnish mobile number to the Officer-in- Charge, Cyber P.S. Giridih as well as to the local police station i.e. Taratand P.S. and will response to the calls made by Officer-in- Charge of both the police stations. Apart from this, petitioner shall appear on 1st Tuesday of each English Calendar Month before the Officer-in- Charge, Cyber P.S. at 10:30 a.m. till conclusion of trial and put his signature on the Register maintained by the Officer-in- Charge. If any default made by petitioner, the State is at liberty to file an application for cancellation of bail.

(v) The Jail Authority shall release the petitioner only after his medical check-up.

(vi) The Civil Surgeon, Giridih is directed to medically examine the petitioner at the time of his release and if he is infected with corona virus, he shall be taken for quarantine, but if no such requirement is there, he shall be released

forthwith, if not wanted in any other case.

(vii) The petitioner shall follow all the guidelines issued by the Government to meet the challenges of Covid-19, as presently Country is passing through pandemic of Covid-19.

Accordingly, the instant bail applications are allowed.