

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Criminal Miscellaneous Jurisdiction)

A.B.A. No. 3119 of 2020

Suresh Mondal

..... Petitioner

Versus

The State of Jharkhand

.....Opposite Party

A.B.A. No. 3123 of 2020

Nandlal Mondal

..... Petitioner

Versus

The State of Jharkhand

.....Opposite Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

Through:- Video Conferencing

For the Petitioners : Ms. Akansha Anit, Advocate

For the State : Mr. Shailendra Kr. Tiwary, Spl.P.P. for Cyber Crime

02/Dated: 09/09/2020

Since both the applications arising out of common FIR, as such, both are being heard together and disposed of by a common order.

Learned counsel for the petitioners has submitted that though there are defect nos. 9(i) to 9(iv) in A.B.A. No.3119 of 2020 and defect nos. 9(i) to 9(iii) in A.B.A. No.3123 of 2020 in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defects within 30 days after the physical court starts and prayed for hearing of the anticipatory bail application, as petitioners are apprehending their arrest during pandemic of Covid-19.

Considering the same, this Court is inclined to hear the anticipatory bail application on merits, but with condition that petitioner shall remove the defects 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 defects.

Heard, learned counsel, Ms. Akansha Anit on instruction of learned counsel for the petitioners, Mr. Soumitra Baroi and learned counsel for the State, Mr. Shailendra Kr. Tiwary.

Learned counsel for the petitioners has submitted that petitioners are apprehending their arrest in connection with Cyber Case No.30 of 2020, arising out of Dhanbad Cyber P.S. Case No.02 of 2020, for the offence under Sections 419/420/467/468/471/120(B) IPC and 66, 66(C), 66(D), 84(B) of the I.T. Act, 2000.

Learned counsel for the petitioners has submitted that the on the basis of

confessional statement of co-accused, Gurudev Kumar Mondal and Bhagirath Mondal, these petitioners have been made accused by the police though petitioners have no criminal antecedent nor anything has been recovered from their possession or house of these petitioners.

Learned counsel for the petitioners has further submitted that police has not collected any material so far transfer of money from the account of any victim to the account of these petitioners as no SIM Card or any mobile phone or any wallet has been recovered to connect the petitioners with the alleged offence, as such, these petitioners having no criminal antecedent, as stated in para 13 of both the petitions may be enlarged on anticipatory bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that a detail counter-affidavit is required to bring on record the material collected by the investigating officer, as such, four weeks time may be granted.

List this case after four weeks.

In the meantime, no coercive steps shall be taken against the petitioners/ not to arrest the petitioners in connection with Cyber Case No.30 of 2020, arising out of Dhanbad Cyber P.S. Case No.02 of 2020 pending in the court of learned District Judge-II-cum-Spl. Judge., A.C.B., Cyber Cases & Electricity Act, Dhanbad.

(Kailash Prasad Deo, J.)