

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6413 of 2021

Aashish Kumar Upadhyay	...	Petitioner
Versus		
The State of Jharkhand	...	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	:	Mr. Anil Kr. Sinha, Advocate
For the State	:	Mr. Shailendra Kr. Tiwari, Spl. P.P.

Order No.02 Dated- 06.09.2021

Heard the parties through video conferencing.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Dhanbad Cyber P.S. Case No.03 of 2018 corresponding to Cyber Case No. 36 of 2020 registered under sections 376/420/406/500/509 of the Indian Penal Code and under section 66E of the I.T. Act, 2000.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner has cheated the informant of several lakhs of rupees and also committed rape upon her. It is further submitted that the allegations against the petitioner are all false and the petitioner has already paid Rs.1,00,000/- to the informant out of Rs.3,00,000/-. It is next submitted that the petitioner is ready and willing to pay Rs.4,00,000/- to the informant without prejudice to his defence in this case, subject to final decision of the case and undertakes to cooperate with the investigation of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Spl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of four months from the date of this order, he shall be released on bail on depositing a demand draft of Rs.4,00,000/- drawn in favour of

informant without prejudice to his defence in this case, subject to final decision of the case and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-II-cum-Special Judge (Vigilance, Cyber Cases & Electricity Act), Dhanbad, in connection with Dhanbad Cyber P.S. Case No.03 of 2018 corresponding to Cyber Case No. 36 of 2020 with the condition that the petitioner will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a copy of his Aadhar Card in the court below with the undertaking that he will not change his mobile number during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

In case, the petitioner deposits the aforesaid amount by way of demand draft drawn in favour of the informant, the court below is directed to issue notice to the informant and hand over the said demand draft to her, after proper identification.

At the time of conclusion of the trial, the learned trial court will pass appropriate orders regarding the amount, if any, deposited by the petitioner with the informant in connection with this case.

(Anil Kumar Choudhary, J.)

Sonu/Gunjan-