

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
B.A. No. 4379 of 2020

Baiju Mandal, son of Radhe Mandal Petitioner
Versus
The State of Jharkhand Opp. Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

For the Petitioner : Mr. Rahul Ranjan, Advocate.
For the State : Mr. Shailendra Kr. Tiwari, Spl.P.P.

02/Dated: 27/07/2020

Heard, learned counsel for the petitioner, Mr. Rahul Ranjan and learned counsel for the State, Mr. Shailendra Kr. Tiwari, Special Public Prosecutor for cyber crimes.

Learned counsel for the petitioner has submitted that though there are some defect(s) in the bail application as pointed out by the Stamp Reporter, but he has filed an undertaking that he shall remove the defects after the lock down period is over and the bail application may be heard as it is a regular bail in which petitioner is in custody since 19.03.2020.

Considering the same, this Court is inclined to hear the bail application on merits, but with condition that petitioner shall remove the defect(s) after the lock down period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lock down period is over so as to remove the defect(s).

Learned counsel for the petitioner has submitted that the petitioner has prayed for grant of regular bail in connection with Giridih (Cyber) P.S. Case No. 06/2020 for the offence registered under Sections 414, 419, 420, 467, 468, 471, 120 (B) of the I.P.C. and Section 66(B), 66(C), 66(D) of the Information Technology Act.

Learned counsel for the petitioner has submitted that petitioner has been arrested on suspicion as police has seized one single set of Vivo blue colour Mobile phone with one Airtel sim card and SBI Green Remit Card, but there is no material on record to constitute an offence alleged in the F.I.R. under Sections 414, 419, 420, 467, 468,

471, 120 (B) of the I.P.C. and Section 66(B), 66(C), 66(D) of the Information Technology Act.

Learned counsel for the petitioner has further submitted that he has no criminal antecedent and he is in custody since 19.03.2020 and police has already submitted charge-sheet.

Learned counsel for the petitioner has thus submitted that petitioner may be granted bail on any condition as keeping the petitioner in confinement will not give any benefit to this case.

Learned counsel for the State, Mr. Shailendra Kumar Tiwari, Special Public Prosecutor has submitted that petitioner along with Vikash Mandal, Mahendra Mandal and Kishor Mandal was arrested with certain articles of committing cyber crime, as such, petitioner may not be admitted on bail.

After hearing learned counsel for the parties and on the basis of the materials available on record, it appears that petitioner has no criminal antecedent and the charge sheet has already been submitted and except recovery of one single set of Vivo blue colour Mobile phone with one Airtel sim card and SBI Green Remit Card, nothing has been brought on record to connect the petitioner with the alleged offence.

Since, the charge-sheet has already been submitted, 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. 06/2020 to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Cyber case, Giridih on the following conditions:

(i) One of the bailors shall be the deponent / parivikar of the present case namely, Ashok Mandal, son of Dasrath Mandal, resident of Village – Rakaskutto, P.O. - Mandro, P.S. - Gandey, Giridih, Jharkhand, whose UID Number is 2285 0503 3409.

Office is directed to send the photocopy of UID Card bearing no. 2285 0503 3409 of deponent alongwith this order to the court below so as to verify the authenticity of the bailor.

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

(iii) Petitioner shall appear before the learned trial court on each and every date fixed by the trial court, except those dates, when he shall pray for exemption on some necessary essential grounds.

(iv) The petitioner shall appear before the Giridih Cyber police station on first Monday of each English Calendar Month at 10:30 a.m. and he shall sign the register kept at Cyber Police Station. Any violation of terms and conditions by the petitioner shall entitle the State to prefer an application for cancellation of bail of the petitioner.

(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 require, petitioner 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 application is allowed.

(Kailash Prasad Deo, J.)

Sunil-Jay/