

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12325 of 2023

Applicant :- Saddam

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Puneet Kumar Pandey, Sunil
Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav, J.

1. Heard learned counsel for the applicant and learned Additional Government Advocate for the State as well as perused the material available on record.

2. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No.265 of 2022, under Section 420 IPC and Section 66 I.T. Act, Police Station- Kotwali Nagar, District- Hamirpur.

3. In short, the prosecution story is as follows that a First Information Report has been filed by the informant/opposite party no.2 Kartikeya Narendra Kumar Chaudhary on 31.08.2022 at 15.07 pm to the effect that the informant had come to Hamirpur district on 28.08.2022 for necessary work. He searched the customer care number on Google to buy and order the goods. During the search, he talked to his mobile number 9773945477 on the mobile number 9827940669 received on Google. During the conversation, a link was sent to his Paytm and asked him to enter the code. After that, the cyber criminal committed fraud of Rs.74,483/- in 10 times from the informant's Paytm account number 9773945477.

4. Learned counsel for the applicant submitted that the applicant is innocent and he has been falsely implicated in the present case. The applicant has no concern with the alleged incident. He submitted that the applicant is not named in the FIR, the applicant has been made an accused on the basis of the statement of his co-accused. He submitted the applicant has no criminal history as has been mentioned in paragraph no. 18 of the affidavit. Learned

counsel for the applicant further submitted that applicant has apprehension of imminent arrest and in case, applicant is released on anticipatory bail, he will not misuse the liberty and would co-operate with the trial.

5. Learned A.G.A. has opposed the prayer for anticipatory bail of the applicant. He has submitted that the applicant and his brother Sahun alias Sahil and accused Rajkumar Saur have formed a gang and transferred the money to their own accounts by cheating people from their bank accounts. He submitted that the account is in the name of co-accused Rajkumar Saur. Once the money came into the account, the applicant and his brother used to withdraw the money and use it. The applicant is a very vicious criminal, who is the mastermind of online fraud, therefore, keeping in view of the seriousness of the allegations made against the applicant, the applicant is not entitled to grant of anticipatory bail.

6. After having very carefully examined the submissions made by the learned counsel for the applicant and perused the material brought on record, there is no justification for granting anticipatory bail to the applicant. The prayer for grant of anticipatory bail is hereby **refused**.

7. Accordingly, this application under Section 438 Cr.P.C. is dismissed. Applicant is advised to move regular bail application before the appropriate forum and if such application is given, the court below shall consider and disposed of the bail application expeditiously in accordance with law.

Order Date :- 8.11.2023
Krishna*