

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 849 of 2023

Applicant :- Mantaj Ansari

Opposite Party :- State Of Thru. Chief Secy. Home Lko.

Counsel for Applicant :- Anchal Shukla, Ashok Kumar Singh, Prashant Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Mahima Pahawa, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 02 of 2021, under Section 419, 420 I.P.C. and Section 66C, 66D of Information Technology Act, registered at Police Station Cyber Crime Ayodhya Zone, District Ayodhya.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 19.01.2021 alleging a fraudulent transfer of Rs. 3,93,000/- from the bank account of the informant through an online fraud.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
5. The applicant has been implicated in the present case on the basis of statement of a witness Saddam Ansari, who stated that Rs. 15,000/- were credited to the bank account of his wife by the applicant. Thereafter, the Investigating Officer recorded the statement of the applicant, in which he confessed that he was involved in committing fraud by making online transfer of moneys from the bank accounts. It is recorded in the statement of the informant that the sim card allegedly used in commission of the offence is not registered in the name of the applicant.

6. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that that applicant is said to have transferred Rs. 15,000/- to a bank account but there is nothing on record to prima facie established that the applicant had obtained any money from any bank account and even the mobile number used for commission of offence was not registered in the applicant's name, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 06.09.2022 without any progress in trial and without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

8. Accordingly, this bail application stands **allowed**.

9. Let the applicant- **Mantaj Ansari** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions: -

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 26.10.2023

Preeti.