

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1566 of 2023

Applicant :- Manoj Kumar Mandal

Opposite Party :- State Of U.P. Thru. Secy. Of Home Lko.

Counsel for Applicant :- Amol Kumar Srivastava, Arvind Kumar Srivastava, Girish Kumar Pande, Pawan Kumar, Prashant Pandey

Counsel for Opposite Party :- G.A., Arun Sinha, Mohammad Zeeshan Lari, Siddhartha Sinha

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Rejoinder affidavit filed today is taken on record.

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

This application has been moved by the applicant - Manoj Kumar Mandal to enlarge him on bail in Case Crime No. 0467 of 2021 under Sections 406, 419, 420, 467, 468, 471, 120B IPC, Sections 43, 66, 66-C & 66-D of Information Technology Act, 2000, Police Station Kotwali City, District Hardoi.

It is argued by the learned counsel for the applicant that the offence was committed on 19.05.2021 and the FIR was lodged on 20.05.2021. In Case Crime No. 174 of 2020 he was arrested by the police and recovery of Rs. 23,000/- was shown from him. It was only after that arrest, various cases showing criminal history of 14 cases were slapped upon him. Out of criminal history of 14 cases, he is on bail in eight cases. Regarding rest cases, he has not received the summons. The amount of Rs. 10 lakhs has not been received in his account. Co-accused Mantoo Kumar Mandal having identical role has been granted bail by the coordinate bench of this court. The applicant is languishing in jail since 15.03.2022, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that the applicant is the member of a gang, who commits cyber crimes. All the members of the gang keep several SIMs and use SIMs in different mobiles. The applicant and other co-accused persons have been searched through IMEI numbers. Total 224 cyber crime complaints were found lodged whereby fraud of more than Rs. 5 crores was done. The amount was used to

receive by the gang leader and was distributed among the members of the gang.

From perusal of the record, it is found that Rs. 10 lakhs were withdrawn from the account of the first informant by an unknown caller when he received a call from mobile no. 6291853672. Though the name of the present applicant came into light later on as a member of the gang, who used to keep various SIMs and mobile instruments and used these SIMs by different mobile number. Nothing has been placed on record to show that out of Rs. 10 lakhs, the amount misappropriated from the account of the first informant, what amount was received in the account of the applicant or any other person of his family. The amount received by the gang leader was being distributed among the gang members such evidence has also not been placed before the court. Co-accused Mantoo Kumar Mandal showing to be having identical role has been granted bail by the coordinate bench of this court. The applicant is languishing in jail since 15.03.2022.

Considering the facts and circumstances of the case, perusing the record, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merits of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant **Manoj Kumar Mandal** involved in the aforesaid case be released on bail on furnishing personal bonds and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are

strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 7.12.2023

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