

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1289-2025 (O&M)

Date of Decision: 21.01.2025

Jaibuna @ Jai Bhuna

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Munfaid Khan, Advocate for the petitioner

Mr. Chetan Sharma, DAG Haryana

Mr. Shubham Jain, Advocate for the complainant

Sandeep Moudgil, J.

Relief claimed

(1). This is the third petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the petitioner in case FIR No.57 dated 01.09.2024 (Annexure P1) under Sections 204/308(2)/306(6)/318(4)/319/61 of Bharatiya Nyaya Sanhita (BNS) (Section 319(2) of BNS added later on), registered at Police Station Cyber Crime Hisar, District Hisar. Further prayer has been made to grant interim bail to the petitioner for a period of 2 months on account of serious ill-health of her 8 months' old child who is stated to be suffering from acute problem.

Facts

(2). Facts as emerging in the FIR is reproduced as under:-

“On 01.09.2024, a complaint was received on the portal with reference number 21308240036236 on 01.09.2024 vide 3519-NCCRP dated 01.09.2024, and the contents of the complaint are as follows: "I am Dr. Satabhushan Jain, son of Shri Dhankumar Jain, residing at Model Town, House No. 279, Hisar. My mobile number is 9416135977. On

August 9, 2024, I received a nude video call from the number 9584386167, which I recorded on my screen. Following this, I received calls from the numbers 9434540764 and 9109857884, where the callers claimed to be police officers. They informed me that the girl who made the video call had committed suicide and that her family was demanding one crore rupees. From August 14, 2024, to August 31, 2024, these individuals extorted approximately 1 crore 20 lakh rupees from me, which I transferred to their various bank accounts via cheque and RTGS. I request that action be taken against these individuals and that my money be recovered." Sincerely, Dr. Satabhushan Jain. The investigation of this complaint was undertaken by ASI Anil Kumar (233/Hisar) from the Cyber Crime Police Station, Hisar, during which the complainant's statement was recorded. The content of the complaint are as follows: Statement of Dr. Satabhushan Jain son of Shri Dhankumar Jain, resident of 279 Model Town Hisar, aged 73 years, mobile number 9416135977: "I reside at the above address and I own an eye hospital namely Jain Hospital in Model Town Hisar. On 08.08.2024, I was sleeping at home when at around 4:30 PM, I received a video call on my WhatsApp number 9416135977 from WhatsApp number 918719942257. When I answered the call, a woman wearing a yellow suit appeared on the screen, but she did not show her face. She introduced herself as Kavita Agarwal from Kota and said she wanted to chat with me. I asked her if she knew me, and why she wanted to chat with me as I am 73 years old. She responded by saying that she simply liked me and wanted to enjoy with me. She then asked me to move aside and take off my clothes, saying she would also do the same. I don't know what happened after that, but I began following her instructions. I went to the bathroom and took off my clothes and she also removed hers. I continued to do as she asked. Our video call lasted about 6 minutes and 54 seconds. After that, she demanded Rs.5,000. I told her I do not use online apps like Google Pay or PhonePe. She then told me she had recorded the entire video, and after saying this, she disconnected the call. A few seconds later, I received another video call on WhatsApp from the same number. She said that if I did not send her the money, she would make the video go viral everywhere and ruin my reputation. After saying this, she immediately hung up the call. Out of fear, I called her back right away, but the number was switched off. I kept thinking about the situation, so I tried calling that number several times until the evening, but it remained

switched off. The next day, on August 9, 2024, I again called the number repeatedly and even tried WhatsApp, but I couldn't reach her. I was extremely scared. After that, I was constantly under fear, but since I didn't receive any calls from her until August 11, 2024, I started to feel a little relieved. However, on August 12, 2024, at 12:10 PM, I received a WhatsApp video call from the number 919045869087. On the other side, there was a man dressed in a police officer's uniform who introduced himself as CBI Senior Inspector Ram Pandey. He said he had received my explicit video and that if I didn't want it to go viral, he would forward my number to a YouTube official named Sanjay Singh Yadav, who would talk to me. Before this, Ram Pandey had sent me his CBI identification card, photos of police officers in a meeting, and images of several accused persons being arrested. Following this, I received a voice call on WhatsApp from the number 917987409200. The caller told me that if I wanted the video removed from YouTube, I needed to immediately send Rs.300,000 to the Punjab National Bank account number 4935000100095996. I told him that I wouldn't be able to go to the bank that day, but that I would send the money the next day. As per his instructions, I transferred Rs. 300,000 through RTGS from my wife Amita Jain's Canara Bank account, number 2990101000108, to the given account. After this, he told me that this amount was only for deleting the video from YouTube. Additionally, I would need to pay separately to get it deleted from Instagram, Facebook, and other social media platforms, for which I would have to send 300,000 and Rs.398,000 more. I then transferred Rs.300,000 to Canara Bank account number 110190132662 and 398,000 to Canara Bank account number 110187646513, both from my wife's account. On August 14, 2024 I received a WhatsApp call from Ram Pandey and Sanjay Singh Yadav. They told me that to have the video permanently deleted from social media, they would need to purchase stamps from the United States, and that I wouldn't understand the entire process since they had done this for many other people. For this, they said I would need to pay a fee of \$25,000. When I asked what I needed to do, they instructed me to transfer Rs.400,000 to Canara Bank account number 110192084258, Rs.400,000 to Canara Bank account number 110193809276, Rs.400,000 to Canara Bank account number 110190132662, Rs. 417,500 to Bandhan Bank account number 20200057306312, and Rs.400,000 to Punjab National Bank account

number 4935000100097587. I transferred these amounts from my PNB account number 2002000100059982 to the mentioned accounts. On August 16, 2024, Ram Pandey informed me that the fee for the stamping process in America was falling short, and I would need to provide an additional Rs. 21,00,000. Since I was already so scared, I followed his instructions and transferred Rs. 500,000 to Bank of Maharashtra account number 60501271431, Rs.500,000 to Federal Bank account number 22230100036158, Rs.300,000 to PNB account number 4935000100095996, Rs.500,000 to Bank of Maharashtra account number 60501141598, and Rs.300,000 to Canara Bank account number 110190277694 from my wife's Canara Bank account number 2990101000108. On August 19, 2024, I received a WhatsApp call from the number 919045869087. The caller introduced himself as Ram Pandey's senior officer and said that a senior officer would message me, instructing me to transfer an additional Rs. 10,00,000. He also mentioned that my case had reached senior CBI officials. Following this, I received a message on WhatsApp from the number 919166240431, which had the name "Rakesh Asthana CBI" and a photo of a senior police officer. They provided me with an IDFC Bank account number 10113901516 and called me, asking me to deposit Rs. 10,00,000 into that account so that my case could be closed. I then transferred Rs.500,000 twice, totaling Rs. 10,00,000, from my wife Amita Jain's Punjab National Bank account number 2002000100106224. On August 20, 2024, I again received multiple WhatsApp calls from the number 919166240431 starting in the morning, which I didn't pick up. I then received messages saying that I had been called multiple times, and since I wasn't answering, I should speak to them on the call, or else I would be arrested within an hour. Scared, I picked up the call and, following their instructions, transferred Rs.350,000 from my Canara Bank account number 2990201000072 to Bank of Maharashtra account number 60500054369. I pleaded with them to end the matter. Then, starting on August 21, 2024, I received several more WhatsApp calls from the same number, which I didn't answer. At 10 p.m., I received a message saying they were giving me 24 more hours, and if I didn't cooperate, they would send a full team to arrest me under an FIR. They warned that no one would be able to save me and that it would be very costly if I didn't talk to them. Despite the threats, I didn't make any calls. On August 22, 2024, I received more messages and calls. Under

pressure, I transferred Rs 500,000 to Bank of Maharashtra account number 60501141898 and another 500,000 to Punjab and Sind Bank account number 08901000016031 from my Punjab National Bank account number 2002000100120659. On August 23, 2024, I received another "hello" message and a WhatsApp call from the same number. They demanded 15,00,000 more to cover the expenses of the staff and senior officers. Following their instructions. I transferred Rs. 500,000 to Canara Bank account number 110192775362, Rs.500,000 to Punjab and Sind Bank account number 08901000016031, and Rs 500,000 to Punjab National Bank account number 3993000100108301 from my hospital's Canara Bank account number 2990201000058. I was completely devastated. Out of fear of public disgrace, I kept losing all my savings, and I didn't know what to do. I was so frightened and ashamed that I couldn't tell anyone about it. On August 27, 2024, I received multiple video calls from a WhatsApp number, where the caller was dressed in a police officer's uniform. They informed me that the girl had died, and now I wouldn't be able to escape the death penalty. If not that, I would at least be sentenced to life imprisonment. They said that they had no choice but to arrest me. They even sent me a photo of a burning pyre at the cremation ground on WhatsApp, which terrified me. I pleaded with them, and they said they would talk to the girl's family. After some time, they told me that I would need to pay Rs.30,00,000 to the girl's family. They also advised me to shut down my current mobile number, get a new SIM, and give them the new number immediately. I inserted the SIM with the number 9729527774 into my phone and provided them with the number. Later on August 27, 2024, I received another threatening WhatsApp call from the number 919109857884. The caller said that the girl had left a suicide note with my name on it, and people were surrounding the police station, demanding that the accused (me) be arrested within five hours. He said that if I was ready to pay the family, he could speak with them. I agreed to pay, and as per his instructions, I transferred Rs.500,000 to Punjab National Bank account number 3993000100108301 from my hospital's Canara Bank account number 2990201000058. Following their further instructions, I also transferred Rs.500,000 to Bank of Maharashtra account number 60501141548 Rs 500,000 to Punjab and Sind Bank account number 08901000016031, Rs.500,000 to Bank of Maharashtra account number 60501141898 from our Punjab National Bank account number

2002000100120659, and Rs.500,000 to Bank of Maharashtra account number 60500054369 as well as Rs.500,000 to UCO Bank account number 24243211015321 from my own Punjab National Bank account number 2002000100059982. On August 29, 2024, I received another WhatsApp call on my new number from 919109857884. The caller informed me that the girl's family had agreed, but the magistrate was refusing to close the file and insisting that the accused (me) be presented before him. The caller mentioned that he had spoken to a staff member, who said that I needed to arrange Rs. 15,00,000 within three days to persuade the magistrate. Afterward, I received messages from the same WhatsApp number, providing account details. As per their instructions, on August 29, 2024, I transferred Rs.500,000 to Bank of Maharashtra account number 60500054369 from my PNB account number 2002000100120659. Then, on August 31, 2024, I transferred Rs.500,000 to Kotak Mahindra Bank account number 6649484980 and Rs.500,000 to Canara Bank account number 110190864280 from my wife's Canara Bank account number 2990101000108. Despite these payments, they continued calling and said that the magistrate was still not convinced, and that I would need to arrange an additional Rs.1,00,00,000 at least. After losing everything, I finally confided in my staff member, Shri Krishna Joshi, who understood the situation and told me that I had been a victim of cyber fraud. He mentioned that he had read about such incidents in the newspapers. On August 31, 2024, I lodged a complaint on the National Cyber Crime Portal, and my complaint number is 21308240036236. The individuals had sent me the video they had recorded, which I saw before they deleted it. Out of fear, I also deleted some calls and messages, but the remaining ones are still on my phone, and I can provide them later. Sir, these people posed as police officers and social media officials, committing cyber fraud against me by blackmailing and threatening to make the video viral. They extorted a total of 13,465,500 from my hospital, family members and me through various bank accounts. I request legal action be taken against them, and I be refunded my money. I have stated this statement to you in full consciousness, read it, and it is accurate. Sd/- Dr. Satabhushan Jain. Dated: 01.09.2024”

Submissions of the petitioner

(3). Learned counsel for the petitioner submits that the name of the petitioner does not figure in the FIR; she is an illiterate and innocent lady and has been implicated in the present case only due to the fact that she is wife of the main accused Salim whereas she is not involved in the crime in any manner and has been roped in by the police on wholly concocted basis. It is further contended that the petitioner is not having any account in the bank in her name and as regards the present case, there is no call recording of the petitioner to show that she was involved in the commission of the crime.

(4). Learned counsel then urged that on 05.09.2024, the police came to the house of the petitioner to arrest her husband but since he was not found present in the house, the police forcibly arrested her by falsely showing recovery of Rs.50,000/- from her house and on the basis of disclosure statements of the co-accused Haider Ali and Mursaleem on 05.09.2024 (Annexures P4 & P5). The petitioner further pleaded that she has an 8 year old child who is hospitalized and is still under medication while referring to medical card appended as Annexure P6. She seeks parity with two co-accused persons (names withheld being juvenile) who have been granted bail by the appellate authority in appeal under Section 101(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (Annexures P8 & P9).

Stand of the State

(5). Learned State counsel submits that the petitioner has filed third bail application without any cogent ground for such relief. He has filed the custody certificate dated 20.01.2025 which is taken on record, according to which, the petitioner has undergone 4 months and 15 days of custody. He

submits that pursuant to submission of challan on 29.10.2024, charges have been framed on 29.11.2024 and out of total 25 PWs, none have been examined till date.

(6). He argued that the present petition can be filed after dismissal of the earlier petition on the same cause of action, only, if there are some substantive change in the circumstances. In the present case, the petitioner has asserted no new ground to justify her coming again before this Court. He contended that an early release of the petitioner may prove fatal to the prosecution and as such, the prayer for regular bail deserves to be rejected.

Analysis

(7). Heard learned counsel for the parties.

(8). The complainant namely Dr. Satbhushan Jain aged nearly 73 years and who runs an eye hospital, namely, Jain Hospital in Model Town Hisar received a Whatsapp video call on 08.08.2024 at nearly 4.30 PM by a lady named Kavita Aggarwal and on her instructions, the complainant went to the bathroom and took off his clothes and resultantly, that lady made an obscene and nude video of the complainant and thereafter, demanded Rs. 5000/-. This was followed by a video call the other day by a man in police uniform purporting himself to be a senior officer of CBI, who scared the complainant that if wanted that his nude video is not made viral on YouTube and other social media platforms, he should deposit certain amounts in the given bank accounts. The opportunistic perpetrators did not take much time to discern complainant's vulnerability and subjected him to a campaign of threats and harassment that ultimately constrained him into transferring hefty amount of money under false pretenses through RTGS in different accounts. A total

amount of Rs.1,34,65,500/- was extorted through blackmailing. Later, the complainant reported the cyber crime on the National Cyber Crime Portal on 31.08.2024.

(9). During investigation, it has been found that accused Mursaleem, along with juvenile Haider Ali, had blackmailed the complainant by calling him and threatening to make the video viral and had extorted Rs.1,34,65,500/- through accused Salim (husband of the petitioner) and Shahid who had got the same deposited by taking the bank account numbers of other people. There are evidence of threatening and blackmailing the complainant on WhatsApp and in the chain of investigation, a sum of Rs.6 lakhs from the money extorted from the complainant with Haider Ali on 08.09.2024 has been recovered from the house of the petitioner in Jaipur.

(10). As regards, the petitioner-Jaibuna, the allegation is that she along with her husband Salim, had deposited the extortion money of cyber fraud in other people's bank accounts and gave cash money to the co-accused who committed cyber fraud by deducting their commission.

(11). Such acts are currently the highest reported form of image-based sexual abuse, a form of online blackmail which has been growing in prevalence since 2021. What is concerning are the recent incidents of sextortion which are not entirely surprising given the increase in online social interactions during lockdowns, particularly by way of online dating. The predators deceive and manipulate the gullible person mostly teenagers by engaging them in explicit activity over video, secretly record it, and threaten to post such clips online if the victim does not make up to their financial demands. This terrifying and dehumanizing violation feeds on victim's shame. The emotional results for

victims — especially kids — is devastating. Feeling embarrassed, hopeless and isolated, many of victims have nowhere to turn and some even go so far as to take their own lives without knowing that help is available.

(12). As is evident from the facts of the present case and challan filed by the police, it can be seen that adolescents are being involved in taking over the operation as the experienced hands fell to the police net and since the Juvenile Act, 2015 hands light punishment to minors, they are a handy resource for fraudsters.

(13). A perusal of the challan (Annexure P7) would indicate that during investigation, on analysis of CDRs of the alleged numbers, it has been found that the mobile numbers of the alleged callers were located at Deeg, Kaama Bharatpur and Jaipur at the time of the alleged incident and the accused persons along with the petitioner are part of an organized group operating from there.

(14). Evidently, this is not a case for exercising the discretion under Section 483 BNSS in favour of granting regular bail to the petitioner. It is disquieting to learn the implications of arming the petitioner with the regular bail, who has been confronted with allegations of this nature involving well-orchestrated conspiracy of sextortion, which would undoubtedly greatly harm the investigation and would impede the prospects of unearthing all the ramifications involved in such online fraud and scam. Indeed, the public interest also would suffer as a consequence.

(15). The accused persons in the present case have been found to have made a woman contact the victim/complainant through video calls and messages and got his nude video clips recorded and thereafter they threatened to make the video viral on social media platforms, if their monetary demands

were not acceded to by the complainant/victim. So much so, the victim was informed by the fraudsters by pretending to be CBI officer that the woman who had undressed in the video clip has committed suicide and to gain his belief, they even forged and showed fake ID Card before the complainant/victim.

(16). Umpteen number of cases with similar fact patterns have been reported on the National Cyber Reporting Portal, where unsuspecting individuals have fallen victim to such criminals like the accused persons using an identical *modus operandi*. This suggests that the present case is part of a larger pattern of criminal activity, rather than an isolated incident. Moreover, it is the case of the prosecution that the petitioner and her husband have been found to have deposited the extortion money in the bank account and gave cash money to their confederates for associating them in cyber fraud. These startling revelations cannot be ignored while considering the prayer of regular bail of the petitioner.

(17). Besides the investigation conducted so far does not suggest false implication of the petitioner, for, there are sufficient prosecution evidence which *prima facie* establish her direct involvement and connection to the commissioning of offense through digital records, communication, and other evidence. It is equally true that the disclosure statements of co-accused persons have miniscule admissibility unless supported by corroborative and tangible evidence, yet there is no apparent reason forthcoming why the co-accused person would falsely implicate the present petitioner.

(18). That apart, once two application/petitions were rejected after considering the arguments raised on behalf of the petitioner, there was no question of considering the similar prayer, for that would virtually amount to

overruling the earlier decision without there being a change in the fact-situation much less a substantial one. Moreover, during this 4 months’ period, the petitioner has failed to highlight any drastic change that had taken place necessitating her release on bail.

Conclusion

- (19). In view of the above discussion, this Court does not find any valid ground to grant the concession of regular bail to the petitioner.
- (20). The observations made hereinabove shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.
- (21). Dismissed.

21.01.2025
V.Vishal

(Sandeep Moudgil)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No