IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Bail Application No.2012 of 2025

Rahul ...Applicant (In Jail)

Vs.

State of Uttarakhand ...Respondents

Presence: Mrs. Prabha Naithani, learned counsel for the Applicant through V.C.
Mr. B.N. Maulekhi, learned DAG assisted by Mr. Vikas Uniyal, learned Brief Holder for the State.

Hon'ble Ashish Naithani, J.

The present bail application has been moved on behalf of the Applicant, who is implicated in FIR No. 370 of 2025, under Sections 318(4), 348, 336(3), 338, 340(2), 61 of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) and 66(D) of the Information Technology Act, Police Station Kotwali Jwalapur, District Haridwar.

2. Heard learned counsel for the Applicant and learned counsel for the State. The record has been carefully perused.

3. As per the prosecution case, the Applicant along with other co-accused persons is implicated in a serious and organised offence wherein they allegedly used to defraud innocent individuals by posing as government officials. It is alleged that the accused persons would contact victims and threaten them by falsely claiming that non-bailable warrants had been issued against them, and that unless money was immediately transferred to the QR codes provided by them, the victims would be arrested and subjected to legal consequences. By using such impersonation, intimidation and digital means, the accused persons allegedly induced several innocent individuals to part with their money.

4. The allegations disclose a well-planned cyber-enabled fraud involving impersonation of public authorities, preparation and use of fake judicial documents, and systematic targeting of unsuspecting citizens. Such offences not only cause financial loss but also seriously undermine public confidence in lawful institutions. The nature of the accusations, therefore, reflects considerable gravity.

5. Learned counsel for the Applicant argued that the Applicant is not directly named in the recovery or in the primary acts of cheating, and that no incriminating material has been recovered from his personal possession. It was submitted that the Applicant has been falsely implicated and deserves the benefit of bail.

6. Per contra, learned counsel for the State opposed the bail application and submitted that although the Applicant may not be directly found in physical possession of the incriminating articles, the investigation reveals that it was only after the arrest and implication of the present Applicant that crucial incriminating material such as fake non-bailable warrants, laptops, computers and other digital devices were recovered from the house of Krishnakant, who is alleged to be the main accused. It was contended that the Applicant’s role has surfaced during investigation and is materially connected with the unearthing of the larger conspiracy.

7. Upon due consideration, this Court finds that the offence alleged is serious in nature and involves organised cyber fraud, impersonation of government authorities and preparation of forged judicial documents. The manner in which innocent persons were threatened and induced to transfer money reflects a deliberate and systematic criminal design.

8. Although the Applicant may not be shown to be in direct physical possession of the incriminating articles, the case diary and material on record prima facie indicate that his arrest and implication led to the recovery of vital incriminating material from the premises of the main accused, which forms the backbone of the prosecution case. At this stage, the Court is not required to conduct a mini-trial, but only to assess whether a prima facie case and relevant considerations for bail exist. The role attributed to the Applicant, viewed in the context of the recoveries and the alleged conspiracy, cannot be said to be trivial.

9. Considering the gravity of the offence, the nature of the allegations, the manner of commission, and the stage of the investigation, this Court is of the opinion that this is not a fit case for grant of bail. The possibility of the Applicant hampering the investigation, influencing digital and other evidence, or affecting the course of trial cannot be ruled out.

10. Without expressing any opinion on the merits of the case, this Court does not find any good ground to enlarge the Applicant on bail at this stage.

11. Accordingly, the bail application is rejected.

(Ashish Naithani J.)
(Vacation Judge)
15.01.2026

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