

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 3658 of 2019

Ajay Singh	...	Petitioner
Versus		
The State of Jharkhand	...	Opposite Party

CORAM:HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. J.N. Upadhyay, Advocate
For the State : Ms. Nehala Sharmin, Addl. P.P.

Order No.05 Dated- 31.07.2019

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Cyber Crime P.S. Case No.43 of 2018 registered under sections 419/467/468/471/120B of the Indian Penal Code and under section 66(B) (D) of the I.T. Act.

Heard the learned counsel for the petitioner and learned
Addl. P.P. for the State.

Perusal of the record reveals that vide order dated 24.06.2019, learned counsel for the petitioner undertook to file a supplementary affidavit annexing therewith the copy of the Identity Proof of the person to whom he has allegedly sold the SIM Card on the basis of forged document but the same has not been filed. In this regard, the learned counsel for the petitioner submits that he has no such document with him.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that he has sold mobile sim number 8405023814 on the basis of forged identity proof. It is next submitted by the learned counsel for the petitioner that there is no allegation against the petitioner that the mobile sim issued by him has been used in any criminal or illegal activities or it has been misused in any manner. It is further submitted that the petitioner was a retailer and he submitted the identity proof given by the co-accused -Bablu Ghosh to Balaji Telecom for verification and after verification of the documents the said Balaji Telecom has issued

the Sim card. It is then submitted that the petitioner is a Betel Shop owner and he has no competence in the verification of the Identity Proof nor he was supposed to verify the identity proof and only after being satisfied with the Identity Proof, the distributor of the sim Balaji Telecom has issued the said sim card and after receipt of the sim card after a day or two of submission of the documents the petitioner has handed over the sim card received from Balaji Telecom to the co-accused person. It is further submitted that the petitioner has no criminal antecedent as has been mentioned in paragraph no.13 of the anticipatory bail application and the allegations against the petitioner are false. It is next submitted that the petitioner is ready and willing to furnish sufficient security including cash security and undertakes to cooperate with the investigation of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of four weeks from the date of this order, he shall be released on bail on depositing cash security of Rs.10,000/- and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamshedpur, in connection with Cyber Crime P.S. Case No.43 of 2018 with the condition that the petitioner will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a copy of his Aadhar Card in the court below with the undertaking that he will not change his mobile number during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.