

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

**29<sup>TH</sup> SEPTEMBER, 2023**

**FIRST BAIL APPLICATION NO.1283 of 2023**

Manish Pal

.....Applicant

Versus

State of Uttarakhand

.....Respondent

Counsel for the Applicant :

Dr. Gyanendra Sharma,  
Advocate, through video  
conferencing holding  
brief of Mr. Rajat Mittal,  
Advocate.

Counsel for the State :

Mr. M.K. Chand, AGA.

**Hon'ble Alok Kumar Verma,J.**

Present Application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail under Sections 420, 120B of the Indian Penal Code, 1860 and Section 66D of the Information Technology Act, 2000 in connection with the Case Crime No.28 of 2022, registered at police station Cyber Crime, District Dehradun.

2. Heard Dr. Gyanendra Sharma, learned counsel holding brief of Mr. Rajat Mittal, learned counsel for the applicant and Mr. M.K. Chand, learned AGA for the State.

3. As per the First Information Report dated 26.12.2022, informant had purchased an Insurance Policy of Max Life Insurance on 25.09.2017. Its maturity date is 25.09.2027. In July, 2022, she (informant) received a call from a person on her Mobile Phone Number 8218762931. He informed that the processing of her Insurance Policy has been held due to some issue and he can help her to resolve the problem and for the said purpose, some money will be

required. Informant transferred a total sum of Rs.95,10,900/- in the seven bank accounts. The First Information Report was registered against unknown person. During the investigation, the name of the present applicant has come to light. Charge-sheet has been filed against two persons, including the present applicant.

**4.** Dr. Gyanendra Sharma, Advocate, submits that the applicant is an innocent person. He has not been named in the First Information Report. He has been falsely implicated during the investigation. No money was transferred to the applicant's bank account. Applicant is a permanent resident of Nangloi, West Delhi, therefore, there is no possibility of his absconding. Applicant has no criminal history. Charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence, and, applicant is in judicial custody since 03.02.2023.

**5.** Mr. M.K. Chand, Advocate, has opposed the bail application. He submits that the mobile phone numbers, provided in the First Information Report, were tracked during the investigation and it was revealed that one of the mobile number (9289329309) was authenticated by the mobile number of the present applicant (8750783462) and thereafter a mobile number (8929838205, used as SMS alert number of Yes Bank Account No. 63663300002620 in which the money was deposited) was recovered from the present applicant. However, he has fairly conceded that no money was transferred to the bank account of the present applicant.

**6.** Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

**7.** Having considered the submissions of learned counsel for both the parties and in the facts and circumstances

of the case, there is no reason to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merit of the case, this Court is of the view that the applicant deserves bail at this stage.

**8.** The Bail Application is allowed.

**9.** Let the applicant – Manish Pal be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

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**ALOK KUMAR VERMA, J.**

Dt: 29.09.2023  
Pant/