M.Cr.A No. 1639/2022 &1644/2022 & 1651/2022 & 1659/2022 & 1674/2022 &1702/2022

Dated 10.11.2022

In The Court of Additional Sessions Judge-II, District Courts Deoghar

State V. Dinesh Mandal and others.

O R D E R

10.11.2022

Name of the petitioner/s		Accused Person in custody since	Stage and Status of the trial
1.	Md. Irfan Ansari and Musraf Warsi (M.C.A no. 1639/2022)	All accused in J.C Since 27.09.2022	Charge sheet not submitted in Court.
2.	Ranjan Kumar Mahtha (M.C.A no. 1644/2022)		
3.	Dinesh Kumar Mandal (M.C.A no. 1651/2022)		
4.	Ankit Kumar Mandal (M.C.A no. 1674/2022)		
5.	Umesh Kumar Yadav @ Umesh Kumar (M.C.A no. 1702/2022)		

Nazamuddin @ Sudin Ansari

(M.C.A no. 1659/2022) in so far as petitioner Nazamuddin is concerned there is no accused arrested in the name of Nazamuddin therefore the Bail application is not maintainable and hence dismissed.

For other bail applications :

The above mentioned bail petitions by way of these Misc. Criminal Applications u/s 439 Cr.P.C have been filed on behalf of the accused-

petitioners in connection with Cyber P.S. Case No. 71/2022 registered u/s 419/420/467/468/471/120B of the IPC & 66 (B) 66 (c), 66 (D) and 84 (c) of the IT Act.

The case of the prosecution is that the accused persons/petitioners have been involved in duping the people by impersonating as customer care officials of the banks and various e-wallet facilities. Few of the petitioner are alleged to have confessed that through fabricated google account they have managed to dupe the victims.

The counsel for the accused persons one by one and in single tone submitted that their clients are innocent and have been implicated in the false cases and the seized articles were planted. Their clients are in no way involved with any of the cyber crime cases.

Per Contra, the Ld APP submitted that the accused submitted that there is grave complicity of the accused in duping the victims and takes this court to para 3 of the case diary submitted by the I.O. Further the Ld. APP submitted that the case diary is full of incriminating material against the accused.

Heard both sides and perused the case record.

Following things were discovered by the technical team from the mobile phones of the accused persons.

a) From the mobile phone of Accused **Umesh Kumar Yadav, whatsapp account was running by using the photo of our Hon'ble**

Prime Minister. The photo of victim's ATM card (8867179019) was sent on the whatsapp chat of accused **Umesh Kumar Yadav.** Further Aadhar Card detail of one Ram Ashish Gupta r/o U.P in the picture gallery of mobile phone seized from accused **Umesh Kumar Yadav. Further he is already a previously accused cyber criminal and on bail in other case.**

b) **Vijay Kumar Mandal** has made various fake login Id and has sent **Electricity disconnection messages** to the prospective victims and pan card of one victim **Rakesh sheik** is found in the picture gallery and the same adhar card is used to make the **Fake PAYTM CASH VALLETS** in the name of Rakesh Sheik with UPI Id 7525965995178@paytm mobile no. 7525965995 and also fake Aeronpay Wallet in the name of SANJAY MOHANLAL JOGANI using mobile number 9433872613.

c) Accused **RANJAN MAHTA** has made **fake 3 email ids** in the name of Kumarrahul on gmail.com. And he has made **FAKE AERONPAY WALLETS** in the name of Arun Kumar Sahu with mobile no. 7602771110 and Nazirbur Rahman with mobile no. 9883218358. and using mobile no 7602771110 made **FAKE PAYTM ACCOUNTS** in the name of Ajay Kumar and using mobile no 9387306192 made Paytm account in the name of Mukesh Kumar. And the accused has further used mobile number 97835052747 to Login on whatsapp. Further from the CDR of mobile phone of accused, it was

found that accused has made **RANDOM SERIES CALLS** to the prospective victims to lure them. Further from possession of the accused it was found that **ATM CARDS** of Arun Kumar sahu, paytm card no. of one ruby pal and Artharv Aggarwal, and debit of OBC Bank in the name of Sushil Kumar. **EIGHT SIM CARDS were seized from him.**

d) From the accused **DINESH KUMAR MANDAL** has used **multiple mobile** number such as 8777727986, 6299249474, 736875075 and 9850143589 to **Login** in **Paytm and Aeronpay**. Further series of Random calls were made to the prospective victims from the CDR.

e) From the accused **IRFAN ANSARI** it has come out that he has made multiple google gmail login ids and was using them and on his mobile, Kotak bank account number 3846077977 was found and which does not belong to him. Further the mobile phone number seized from the accused is existing in the name of some 3rd person (Rani) and the same is used as login for FREE CHARGE APP. **Further the mobile phone number found is possession of accused is uploaded on the website of google as phone numbers of customer care.**

f) Further in para 4, 5 of CD the seizure list of article seized from Accused Dinesh Mandal and Vijay Kumar Mandal is there which shows multiple Bank ATM cards and mobile phones,

g) Further From Ankit Kumar Mandal 3 mobile phones and 6 running sim cards were seized from him. And also 4 Debits Cards not

belonging to him. And one Dhani Freedom Credit Card. Accused **ANKIT KUMAR MANDAL** has confessed that in the garb of updating details of victims on PM Kissan Scheme, he use to take their details and then use the same for cyber offences. **From the mobile phone and sim cards seized from Ankit, and corresponding to the IMEI numbers , it has come to light that there are more than 200 FIR's Registered against him PAN INDIA against accused ANKIT MANDAL.** It cannot be sheer coincident, as there are different FIR at different states pan India.

h) Accused **MUSARRAF WARSI** It has come to light that, more than **100 FIRs are registered from the mobile phone and the sim cards seized from him.** It cannot be sheer coincident, as there are different FIR at different states pan India.

i) The mobile phone numbers on the SIM card seized with mobile phones from the accused exist in the name of other persons.

No explanation is accorded by the either counsel as to why these kind of material is recovered and discovered from the mobile phone of accused persons.

From the overall perusal of the material on record, it prima facie appears that there is grave complicity of the accused persons/petitioners in duping many victims using their mobile nos. which were seized from them. The charges are yet to be framed against the accused and the chances of fleeing away from the justice cannot be ruled out. If the bail is granted to the

accused, the accused may try to cast undue influence upon the victims to depose in the Court. At this point of time, it is highly improbable to grant bail as the offences against the accused-petitioners are 467 and 471 IPC. Further, it is not a case of single offence which has been committed under grave and sudden provocation. **These kind of cyber offences have to be dealt with iron hands as many government servants including Judicial Officers have been ripped off.**

Regard being had to the facts and circumstances of the case and in light of the abovesaid facts, I am not inclined to grant concession of bail to the petitioners. Accordingly, finding no merits, the prayer in the bail petition is rejected and the bail petition is disposed off on merits.

(Dictated)

Sd/

(SANJEEV BHATIA)
Addl. Sessions Judge-II
Deoghar