

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P.No.1531 of 2025

1. Anwar Ansari, aged about 34 years, son of Kasim Ansari, resident of village-Sonbad, P.O. & P.S.-Jamtara, District-Jamtara, Jharkhand.
2. Sagir Ansari, aged about 30 years, son of Dildar Miyan, resident of village-Ringo Chingo, P.O. & P.S.-Karmatar, District-Jamtara, Jharkhand.

.... Petitioner

Versus

The State of Jharkhand

.... Opp. Party

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner

.....

: Mr. Pran Pranay, Advocate

For the State

: Mr. Shailendra Kr. Tiwari, Spl. P.P.

.....

By the Court:-

1. Heard the parties.
2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the B.N.S.S., 2023 with a prayer to quash and set aside the order dated 04.03.2025 passed in Misc. Criminal Application No.545 of 2024 and Misc. Criminal Application No.662 of 2024 in connection with Cyber Crime Case No.02 of 2024 arising out of Jamtara Cyber Crime Police Station Case No.56 of 2023 registered for the offences punishable under Section 414, 419, 420, 467, 468, 471 & 120B of the Indian Penal Code and Sections 66 (B), (C), (D) of the Information Technology Act whereby the learned Special Judge, Cyber Crime, Jamtara has rejected the prayer of

the petitioners for release of their Maruti Swift Dzire Car and Mahindra Scorpio SUV respectively.

3. The brief fact of the case is that the petitioners are the accused persons of the said case and during the course of investigation, police seized the said two vehicles for being involved in commission of cyber-crime. The petitioners are facing the trial; some witnesses have been examined but the trial is still going on. The petitioners filed a petition for release of their vehicles, in complex Sunil of which a report was called for by the learned Special Judge, Cyber-Crime, Jamtara from the police and the report was submitted by the prosecution wing of Cyber Police Station, Jamtara confirming that the Mahindra Scorpio is owned by the petitioner no.2 and the Maruti Swift Dzire is owned by the petitioner no.1 and police did not object for release of the vehicle.
4. Learned counsel for the petitioners submit that the trial of the case is going on and there is no likelihood of the trial being concluded in near future. It is next submitted that vehicles are lying unattended under open sky in the premises of the police station and will be subject to natural decay and the condition of the vehicle will deteriorate and its value will diminish. It is next submitted that petitioners are ready and willing to furnish indemnity bond with adequate surety and undertake to produce the said vehicles, as and when directed by the Court or the police. Drawing attention of this Court to the judgement of

the Hon'ble Supreme Court of India in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat** reported in (2002) 10 SCC 283, the learned counsel for the petitioner submits that the Hon'ble Supreme Court of India, deprecated the practice of detaining vehicles unnecessarily within the premises of the police station under open sky, hence, it is submitted that the prayer as prayed for, in this Cr.M.P., be allowed.

5. Learned Addl.P.P. though opposes the prayer of the petitioners made in this Cr.M.P., but fairly submits that the undisputed facts remains that the petitioners are the owners of the vehicles. It is also submitted that the value of the Mahindra Scorpio SUV is about R.22 lakhs and value of Maruti Swift Dzire is about Rs.8 lakhs.
6. Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here that it is a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat** reported in (2002) 10 SCC 283 that it is of no use to keep the vehicles seized by the police at the police station for long period, the undisputed facts remains that the petitioners are the owners of the vehicles and the investigation of the case is over and trial of the case is going on. The petitioners have already submitted that they are ready and willing to furnish sufficient security for release of the vehicles in their favour. Though, a report was called from

police, but police did not make any objection to the prayer for release of the vehicle during the pendency of the trial.

7. Under such circumstances, this Court is of the considered view that the learned Special Judge, Cyber-Crime, Jamtara has committed a grave illegality in rejecting the prayer of the petitioners for release of the vehicles in their favour and thereby allowing the vehicle to remain under open sky for an unspecified period of time; as there is no likelihood of the trial being concluded in near future. Hence, the order dated 04.03.2025 passed in Misc. Criminal Application No.545 of 2024 and Misc. Criminal Application No.662 of 2024 in connection with Cyber Crime Case No.02 of 2024 arising out of Jamtara Cyber Crime Police Station Case No.56 of 2023 registered for the offences punishable under Section 414, 419, 420, 467, 468, 471 & 120B of the Indian Penal Code and Sections 66 (B), (C), (D) of the Information Technology Act, being not sustainable in law is quashed and set aside.
8. The learned Special Judge, Cyber-Crime, Jamtara is directed to release the Maruti Swift Dzire bearing registration no. JH-10-BW-3923 in favour of the petitioner no.1 and Mahindra Scorpio bearing Registration No.JH-10-CK-1700 in favour of the petitioner no.2 on the petitioners submitting an undertaking on the following terms and conditions:
 - i. *The petitioner no.1 shall furnish an indemnity bond of Rs.8,00,000/- with two solvent sureties and the petitioner no.2 shall furnish an indemnity bond of Rs.22,00,000/- with two solvent sureties, undertaking the following.*

- ii. *The petitioners shall produce the vehicle as and when directed by the court in the trial court.*
 - iii. *The petitioners shall not sale, mortgage or transfer the ownership of their vehicles during the pendency of the case nor allow anybody else than them to ride the same.*
 - iv. *The petitioners shall not change or tamper with the identification of the vehicles in any manner during the pendency of the case.*
 - v. *Any other condition, if any, to be imposed by the trial court.*
9. In the result, this criminal miscellaneous petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 07th July, 2025
AFR/Abhiraj/-