

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 20529 of 2021

Applicant :- Neeraj Mandal @ Rakesh

Opposite Party :- State of U.P.

Counsel for Applicant :- Deepankar Chaudhry

Counsel for Opposite Party :- G.A., Amit Kumar Srivastava

Hon'ble Shekhar Kumar Yadav,J.

This matter is listed for hearing through video conferencing. Link has been sent to the respective learned counsels. Mr. I. M. Khan, learned Counsel for the applicant, Mr. Amit Kumar Srivastava, learned counsel for the informant and Sri Prashant Kumar, learned A.G.A. for the State are connected through the link.

Mr. I. M. Khan, learned counsel for the applicant submits that he has filed two supplementary affidavits in the office but the same is not available on record. Office is directed to trace the same and place it on record.

Vide order dated 24.06.2021, Superintendent of Police (Crime/Cyber Cell), Prayagraj as well as Station House Officer/Investigating Officer, Police Station Cant, District Prayagraj were directed to be present in person before this Court.

In compliance of the aforesaid order, the Superintendent of Police (Crime/Cyber Cell), Prayagraj as well as Station House Officer/Investigating Officer, Police Station Cantt, District Prayagraj are present.

The matter relates to fraudulent withdrawal of money from the bank account of a Judge (retired), High Court, for which an F.I.R. was registered on 08.12.2020 at Police Station Cant. On the last occasion the Court had made a query about the status of the investigation being carried out by them in such type of fraudulent withdrawals.

Mr. Ashutosh Mishra, Superintendent of Police (Crime/Cyber Cell) Prayagraj is present before this Court and submits that Sri Sudheer Soni, Investigating Officer of the above-mentioned case is not present today. He has been deputed for VVIP duty with regard to visit of Hon'ble the President of India at Kanpur. Mr. Ashutosh Mishra, S.P. (Crime/Cyber Cell) further submits that evidence were collected by the Investigating Officer and a charge-sheet has been filed against six persons. It is also informed by him that four persons have been arrested in connection with this case and against two persons warrant has been issued by the court concerned. Mr. Mishra further submits

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that the Station House Officer, Cyber Thana, Prayagraj is on leave due to suspected corona positive.

On the other hand, Mr. I. M. Khan, learned counsel for the applicant submits that no charge-sheet has been filed till date in the above case.

After hearing the submissions of learned counsels for both the sides, the Court is not satisfied with the efforts being made by the police authorities with regard to fraudulent withdrawal of money prevailing around the district as well as the state level. The Court is of the view that it is a crime against the society and the police authorities are not making serious efforts in controlling these types of fraudulent activities.

The Superintendent of Police (Cyber Cell) Lucknow, shall file his personal affidavit mentioning therein the number of F.I.R.s registered around the State of U.P. within a year, the current status/progress of investigation, the amount of fraudulent withdrawals, the money recovered to the victim and the efforts being made to control these type of fraudulent activities, otherwise he will be present in person before this Court on 09.07.2021. This order be communicated to him through Mr. Ashutosh Mishra, S.P. (Crime / Cyber Cell), Prayagraj.

Accordingly, the Court also directs the Superintendent of Police (Crime / Cyber Cell) Prayagraj, Station House Officer / Investigating Officer, Police Station Cant, District Prayagraj, Station House Officer, Cyber Thana to provide a complete chart mentioning therein number of F.I.R.s registered in the Prayagraj District, the current status of investigation, the amount of fraudulent withdrawals, the amount recovered to the victim and the efforts being made to control this type of forgery.

Put up this case for further hearing on 09.07.2021 at 2:00 PM before this Court in the additional cause list alongwith Criminal Misc. Bail Application No.19926 of 2021 (Tapan Mandal Vs. State of U.P. & others) Criminal Misc. Bail Application No.21208 of 2021 (Taushif Zaman Vs. State of U.P. & others) and Criminal Misc. Bail Application No.21132 of 2021 (Subo Shaha @ Subhajeet Vs. State of U.P. & others).

On the aforesaid date i.e. 09.07.2021 the Superintendent of Police (Crime / Cyber Cell), Prayagraj, Station House Officer / Investigating Officer, Police Station Cant, District Prayagraj, Station House Officer of Cyber Thana will also be present before this Court alongwith related documents.

Order Date :- 25.6.2021/pks