

CRM-M-25749-2025 (O&M)

Reserved on: 03.07.2025

Pronounced on: 15.07.2025

Manoj Rathore

.....Petitioner(s)

Versus

Union Territory, Chandigarh

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shubham, Advocate
for the petitioner(s).

Mr. Manish Bansal, PP, UT, Chandigarh.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
33	3.9.2022	Cyber Crime Cell, Chandigarh	384, 420, 468, 471, 509 and 120B IPC and 66D and 67 I.T.Act, 2000 and 14/15 Foreigners' Act, 1946

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

3. That brief facts of the case are that FIR No. 33 dated 03.09.2022 under Sections 384,420,468,471,509 and 120-B of IPC, 66-D, 67 IT Act. and Section 14 of Foreigner's Act, 1946 registered at Police Station- Cyber Crime, Chandigarh (Annexure P-1) based on the complaint of Arvind Kumar against unidentified persons alleging therein that "he received a link through SMS on his mobile phone 92160xxxxx for loan. On clicking the said link, one Hugo Loan Application' got installed on his phone, which at the time of installation sought access to his contacts, gallery etc. and the complainant allowed the same. After having installed the app and giving necessary permissions, the complainant filled in his details in order to check his loan eligibility. Upon doing the same, the app indicated that the complainant was eligible for a loan of INR 3,500/-, however, the complainant chose not to avail the said loan and uninstalled the app. Thereafter, the complainant started receiving threat calls and messages on WhatsApp through numbers +371252xxxxx, +623831462xxxxx, +9199104xxxxx. The complainant said that he had not taken any loan

from the said app, but he started receiving his nude pictures from the said numbers and was threatened that the same would be circulated amongst his family if he refuses to pay the desired sum of money. Thereafter, the complainant received a call from a mobile number 70151xxxxx asking him to send money, failing which his and his family's nude pictures would be circulated to all his contacts. On hearing this, the complainant sent Rs.2,045/- on 24.08.2022 and Rs.3,500/- on 30.08.2022, but the accused continued to threaten and viral the pictures on social media and demanding more money." Hence, primarily on these allegations present FIR (Annexure R-1 was registered against unknown persons."

3. The petitioner's counsel prays for bail contending that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family and he further undertakes that during the period of bail, he shall not commit any offence and in case he commits any offence in which the sentence provided is more than seven years, the State shall be at liberty file an application for cancellation of his bail, to which he will not raise any objection. He also has no objection to imposing any stringent conditions.

4. The State's counsel opposes bail and refers to the reply.

5. It would be appropriate to refer to the following portions of the reply, which read as follows:

“ROLE OF THE PETITIONER:

22. That it has come in the investigation that the present petitioner Manoj Rathore was the driver of co-accused Puneet @ Punit Kumar who is one of the kingpin of this scam along with foreign nationalist. The present petitioner is listed as the beneficiary of the Axis bank account no.921020029893157, which was opened in the name of Sky-bird Traders & the documents used in opening the said bank account are related to present petitioner Manoj Rathore. The account was reportedly used for cybercrime activities, including receiving large sum of money. A significant sum of money approximately Rs.13.28 Crores was credited into the Sky-bird Traders Bank account, primarily from M/s Malista Freight forwarding suggesting a flow of funds which are a part of fraudulent and illicit transactions.”

REASONING:

6. There is sufficient *prima facie* evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 4 of the bail petition, the petitioner has been in custody since 29.12.2024. Per the custody certificate dated 3.7.2025, the petitioner's total custody in this FIR is 6 months and 5 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the *prima facie* analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official

webpage.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. This order is subject to the petitioner's complying with the following terms.

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

15-07-2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO