



2026:AHC:11664

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 35628 of 2025

Mohd Hasan

.....Applicant(s)

Versus

State Of U.P. Through Home Secretary, Government
Of Uttar Pradesh

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohammad Sadab Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Sri Mohd. Sadab Khan, learned counsel for the applicant, Sri Puneet Kumar Singh, learned AGA for the State-Respondent and perused the record.

The present bail application has been moved on behalf of accused-applicant seeking enlargement on bail in Case Crime No. 44 of 2025, under Sections 318(4), 61(2) of BNS and Section 66-D of Information Technology Act, Police Station Cyber Crime, , District Kanpur Nagar, during pendency of the trial.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case with ulterior motive. It is further submitted that charge-sheet has been submitted against the applicant and there is no pre-summoning evidence to connect the applicant in the aforesaid case. The accused-applicant has not threatened the first informant to arrest and transfer certain amount in the accounts. It is further submitted that the bank account in which the aforesaid transactions have been made is not in the name of the applicant as such, the applicant has no connection in this crime. It is further submitted that the other co-accused. He submits that the applicant has not received any penny from the alleged transaction and is not a beneficiary thereof. The charge-sheet has been submitted against the accused-applicant and the applicant is no more required for further custodial interrogation. He has next argued that the applicant has no previous criminal history and if the applicant is released on bail, he shall not misuse the liberty of bail. He is languishing in jail since 03.08.2025.

Per contra, learned A.G.A. has supported the order passed by the Sessions Court and vehemently opposed the prayer for grant of bail to the applicant and submits that the allegations involved are very serious in nature and in case the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail. He submits that the allegation against the applicant is that he along with other co-accused fraudulently transferred Rs. 1.97 Crore in a bank account opened by the applicant and other co-accused and usurped the same money by committing cyber fraud. He further submits that it is clear from the statement of one of the witness Salim Akbar that the accused along with other co-accused Ashim opened the bank account and fraudulently deposited money into it and withdrew the same. From the possession of the accused and co-accused checkbooks of various banks, debit cards, two mobile phones were recovered, which shows their involvement in the aforesaid crime. He further submits that credible evidence has been collected by the Investigating Officer to connect the applicant in the aforesaid crime.

It is a settled law that while granting bail, the court has to keep in mind the nature of accusation, the nature of the evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, the circumstances which are peculiar to the accused, his role and involvement in the offence, his involvement in other cases and reasonable apprehension of the witnesses being tampered with.

This Court finds that in India, the rapid advancement of technology and the widespread adoption of digital infrastructure have led to a significant rise in cyber-crimes including phishing scams, ransomware attacks, cyber-stalking and data breaches. Initiatives like Digital India have accelerated the country's' digital transformation, but they have also exposed vulnerabilities that cyber-criminals exploit.

Cyber-crime has been affecting the people across the nation, irrespective of religion, region, education or class. Newspapers, Magazines, You Tube Channels and Social Media are brimming with ordeals of an uncountable number of innocent victim of the cyber-crime, who are defrauded of their hard earned money. Such cyber-crimes are rampant in our society, and must be curbed. Cyber-crime in our country is like a silent virus stealthy, disruptive, and costing society more than just money, but trust, security and progress.

In view of the above, the Court is not inclined to release the applicant on bail. The bail application is, accordingly, **rejected**.

January 5, 2026
pks/vibha

(Ashutosh Srivastava,J.)