



2026:AHC:11848

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34085 of 2025

Mayank Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sanju Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Mukhtar Alam, learned Senior Counsel assisted by Shri Kushal Raj Chaudhary, learned counsel for the applicant, Shri Vijendra Kumar, learned AGA for the State-respondents and perused the record.

This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of accused-applicant, Mayank Kumar, seeking enlargement on bail in Case Crime No. 46 of 2024, under Sections 420, 467, 468, 471, 120-B IPC and Section 66-D of I.T. Act, Police Station Cyber Crime, District Varanasi, during the pendency of the trial before the Court below. The bail application of the applicant before the Court below was rejected by the learned Sessions Judge, Varanasi vide order dated 5.7.2025 and the applicant is incarcerated in jail since 25.4.2025.

Learned Senior Counsel Shri Mukhtar Alam, while pressing the bail plea submits that the applicant is entirely innocent and has been falsely implicated in this very case crime number for ulterior motives. The FIR giving rise to the instant case crime number is stated to have been lodged by the informant, who is the victim herself against unknown person, with the allegation that she had applied online against an advertisement for franchise of Zudio Company. After 04 months of the application, she received a telephonic call from one Manoj having mobile number 85838-31308 informing her that she had applied for the franchisee and was to get herself registered and a sum of Rs.2,65,500/- was demanded. The informant deposited the said amount in account provided in Bank of Maharashtra.

Further sums to the tune of Rs.5,90,000/- was got deposited on 13.3.2024. A further sum of Rs.11,80,000/- was got deposited into the account supplied, but the said amount was returned. The informant was informed that the persons were going to set up stores in Kolkata and Ajmer and would return only on 21.4.2024. Subsequent contact by the informant, resulted in no response and the contract numbers were closed. The FIR was lodged thereafter that fraud and online fraud to the extent of Rs.8,55,500/- has been played on the informant.

Learned counsel for the applicant has vehemently argued that the applicant is not named in the FIR. His name has surfaced in the confessional statement of co-accused Prashant Kumar. It is also submitted that charge sheet against the applicant and co-accused Akash Kumar, Prashant Kumar and the applicant has already been filed on 11.5.2024 and the cognizance of the same has also been taken on 11.6.2025 and as such, the investigation against the applicant is complete and there is no requirement/necessity to detain the applicant in custody for custodial interrogation. It is also submitted that the applicant has no criminal antecedents and undertakes to cooperate in the trial and shall not fault any of the conditions of bail, if released on bail. Hence, prayer for bail has been made.

Per contra, the bail plea has been vehemently opposed by learned AGA by submitting that the complicity of the applicant on the commission of the crime stands established from the materials on record and recoveries made from the possession of the applicant. The applicant and other co-accused persons prepare fake websites and run the advertisement on the social medial platform. When persons contract them on the basis of the advertisements for taking up franchisees etc., then they in the name of registration fee, security money, GST money, processing fee etc., commit cyber fraud. The applicant admittedly is a resident of Behar and if released on bail, is likely to abscond seriously hampering the progress of the trial. It is accordingly prayed that the bail plea warrants outright rejection.

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***.

(Ashutosh Srivastava,J.)

January 14, 2026

Ravi Prakash