



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.1902 of 2024

(Application under Section 439 of Cr.P.C)

Mohammad Iqbal Hussain

... Petitioner

-versus-

State of Odisha

... Opposite Party

Advocates appeared in the case through hybrid mode:

For Petitioner : Mr.S. R. Mulia,
Advocate.

-versus-

For Opposite Party : Mr. S.S.Routray, A.S.C

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
17.01.2025.**

Sashikanta Mishra,J. The Petitioner is in custody since 20.9.2023 in connection with S.T.F. P.S. Case No.10/2022 corresponding to C.T. Case



No.799(A)/2023 pending in the Court of learned S.D.J.M., Bhubaneswar, for the alleged commission of the offence under Sections 419/420/465/467/468/471/120-B/34 I.P.C. and Section 66(C) and Section 66(D) of the Information Technology Act, 2000.

2. The prosecution case as revealed from the F.I.R. lodged by one Trupti Ranjan Dash, S.I. of Police, STF, CID, CB, Bhubaneswar on 12.5.2023 before the S.P., STF, CID CB, Bhubaneswar, is that as per reliable information received, one Pathani Samanta Lenka was apprehended near the Railway Station at Bhubaneswar. On interrogation he disclosed that he and his associates, Saroj Kumar Nayak and Soumya Ranjan Pattnaik @ Pattanayak have engaged themselves in illegal business by sharing OTPs and mobile numbers to the members of a group which included foreign nationals including nationals from Pakistan as members. In the process they earned money for activation/registration to different social platforms for their pecuniary gain. Said Pathani



Samanta Lenka is member of a Facebook group named 'Free Recharge Box' which has about one lakh members including foreign nationals. The SIM cards were purchased by them from one Pradyumna Kumar Sahoo @ Pinku. On the information given by Pathani Samanta Lenka, raid was conducted in the house of the other accused persons and several incriminating articles were seized. It further came to light that Pradyumna Kumar Sahoo @ Pinku was working as Jio Point Manager of Nayagarh and Jagannath Prasad areas and he has shared a large number of SIMs and more than 150 Paytm wallets to Pathani Samanta Lenka by using the Identity Cards of different persons of the said area. He also shared OTPs to different anti-socials and anti-India persons including agents of Pakistan having ISI link. On such F.I.R., S.T.F. Case No.10/2022 was registered under Sections 419/420/465/467/468/471/120-B/34 I.P.C. and Section 66(C) and Section 66(D) of the Information Technology Act, 2000. All the said persons were arrested.



3. In so far as the present Petitioner is concerned, it was found during investigation that as per the direction of one Hamid, who is a Pakistani national, co-accused Abhijeet Sanjaya Jambure @ Desmukh transferred some amount to the Paytm account of the Petitioner. Further, certain SIM Cards were seized from the Petitioner, which were used in the UPI transaction which also stand in the name of the Petitioner.

4. Heard Mr. S.R.Mulia, learned counsel for the Petitioner and Mr. S.S. Routray, learned counsel for the State.

5. Mr. Mulia would argue that there is no evidence whatsoever against the present petitioner to show that he was involved in the alleged occurrence. The only thing that has come up against him is that two SIM Cards registered in his name were allegedly used for certain transactions. Mr. Mulia further relies upon the orders of bail passed in favour of some of the co-accused persons namely, Pradyumna Kumar Sahoo @ Pinku (BLAPL No.10971/2023), Saroj Kumar Nayak



(BLAPL No.10219/2023), Soumya Ranjan Pattnaik @ Pattanayak (BLAPL No.10220/2023) and Pritam Kar (BLAPL No.10224/2023) and submits that his client also stands on the same footing.

6. Mr. Routray, learned State counsel, on the other hand, opposes the prayer for bail by submitting that there is clear proof that the present Petitioner along with some of the co-accused persons, whose bail applications were rejected by this Court, had direct links with one Abdul Hamid an Intelligence Officer of Pakistan having links with ISI. There is also prima facie evidence of transfer of money to the account of the Petitioner at the instance of the said Pakistani national.

7. I have considered the rival submissions and have also carefully gone through the case record. It is seen that there is prima facie evidence of transfer of some money by co-accused Abhijeet Sanjaya Jambure @ Desmukh to the account of the Petitioner on the direction of Abdul Hamid, the Pakistani national. The



prayer for bail was refused by this Court in respect of some of the co-accused persons including Abhijeet Sanjaya Jambure @ Desmukh by noting that the investigation suggested a deep rooted conspiracy involving Pakistani Intelligence Officers, who are said to be operating a network in this country. There could also be a larger conspiracy involved. In any event, the fact that money was transacted into the Petitioner's account prima facie, shows his involvement and he appears to have some kind of link with Abdul Hamid, the Pakistani national having links with ISI. In the considered view of this Court therefore, the Petitioner cannot be treated at par with the co-accused persons, who have been directed to be enlarged on bail.

8. For the foregoing reasons therefore, I am not inclined to allow the prayer for bail which is rejected.

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Sashikanta Mishra,
Judge

Ashok Kumar Behera

Signature Not Verified

Digitally Signed
 Signed by: ASHOK KUMAR BEHERA
 Designation: A.D.R.-cum-Addl. Principal Secretary
 Reason: Authentication
 Location: High Court of Orissa Cuttack
 Date: 17-Jan-2025 12:40:07