HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous 2nd Bail Application No. 16064/2025

Vivek Yadav S/o Mukesh Yadav, aged about 20 Years, R/o Meena Dharamsala Ke Pass, Nayabass, Police Station Arawali Vihar, District Alwar. (At Present Central Jail, Alwar).

----Petitioner

Versus

State of Rajasthan, Through PP

----Respondent

Connected With

S.B. Criminal Miscellaneous 2nd Bail Application No. 15712/2025

Karan Yadav S/o Bharat Yadav, aged about 28 Years, R/o Old Bhurasidh Police Station Aravali Vihar, District Alwar, Rajasthan. (Presently Confined at Central Jail Alwar).

----Petitioner

Versus

State of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Rajpal Yogi with Mr. Hemant Agarwal Mr. Manish Gupta with Ms. Shewta Soni
For Respondent(s)	:	Mr. Shree Ram Dhakar-PP Mr. Naresh Kumar Gupta-PP Mr. Rameshwar Lal-CI-SHO, Police Station Aravali Vihar, Alwar

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JUSTICE ANOOP KUMAR DHAND

Order

Reportable

1.	Date of conclusion of arguments	29/01/2026
2.	Date on which the order was reserved	29/01/2026
3.	Whether the full order or only the operative part is pronounced	Full Order
4.	Date of pronouncement	31/01/2026

For convenience of exposition, this order is divided in the following parts: -

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Factual Matrix:

1. The earlier bail applications of both the petitioners along with co-accused Meghraj Saini were rejected by this Court vide order dated 13.10.2025, while deciding S.B. Criminal Misc. Bail Application No. 12729/2025 along with connected applications, granting liberty to the petitioners to revive their prayer for bail after completion of investigation.

Contentions of the petitioner:

2. Counsel appearing on behalf of the petitioners-Vivek Yadav and Karan Yadav submitted that after passing of the aforesaid order, investigation has been completed and charge-sheet has been filed by the investigating authority. Counsel submitted that as per the conclusion of charge-sheet, a sum of Rs. 3,16,500/- has been recovered from different bank accounts of the accused petitioner-Karan Yadav in connection with 7 cyber complaints, registered against him, and a sum of Rs. 1,92,500/- has been

recovered from different bank accounts of the accused petitioner-Vivek Yadav in connection with 9 cyber complaints, registered against him. Counsel submitted that the main accused in the present matter is Jasraaj S/o Rajpal who is the kingpin of this syndicate and he is operating the above mentioned online cyber fraud, as mentioned in the charge-sheet. Counsel further submitted that the petitioners are innocent and their accounts were misused by the co-accused for getting the amounts transferred in different bank accounts of the petitioners. Counsel submitted that the petitioners have been in custody since the date of their arrest and the alleged incident is triable by the Court of Magistrate. Counsel submitted that the petitioners do not have any criminal antecedents. Counsel submitted that trial will take its own time to conclude, hence, looking to the overall facts and circumstances of the case, indulgence of bail be granted to the petitioners.

Contentions of the Prosecution:

3. Per contra, learned Public Prosecutor has opposed the bail applications and submitted that in all, 9 cyber complaints were received by the banks, against different bank accounts of the accused petitioner-Vivek Yadav and investigation reveals that between the period from February 2024 to August 2025, a sum of approximately Rs. 2,27,64,000/- was found to be transacted across different bank accounts of the petitioner-Vivek Yadav. Similarly, 7 cyber complaints were received against the different bank accounts of the petitioner-Karan Yadav and these accounts were found to be involved in fraudulent transactions amounting to

approximately Rs. 14,05,000/-. It was further submitted that looking to the aforesaid huge amounts and the fact that several complaints were received against the petitioners, they do not deserve any indulgence of bail. Hence, the instant bail applications are liable to be rejected.

Analysis and Discussion:

4. Heard and considered the submissions made at Bar and perused the material available in the charge-sheet and case diary.

5. Perusal of the case diary as well as conclusion of investigation at page Nos. 20, 21 of the charge-sheet indicates that huge amounts were deposited in the bank accounts of the petitioners between the period from 2024 to 2025 which are running in lakhs of rupees. Prior to the year 2024, no such transactions i.e. credits and deposits of such huge amounts were made in the petitioners' bank accounts. At this stage, this Court is not going into the details of the exact amount deposited in the various bank accounts of the petitioners because the petitioners and the prosecution have come up with different figures of the amount deposited in these accounts. At the appropriate stage of the trial, the Trial Court would look into this aspect of the matter on the basis of evidence led by both sides.

6. Investigation reveals that 9 cyber complaints were received against the bank accounts of accused Vivek Yadav and similarly, 7 cyber complaints were received against the accused Karan Yadav. Whether the petitioners are innocent or their bank accounts were misused by the other accused are the facts which cannot be appreciated by this Court at this stage. These facts would be appreciated by the Trial Court at the appropriate stage of the trial.

But looking to the gravity of the matter and the unauthorized transactions of huge amounts having been found in the different bank accounts of the petitioners for the period pertaining to the year 2024-2025, this Court is not inclined to grant the benefit of bail to the petitioners.

7. Over the past few years, there has been a noticeable rise in cyber crimes and frauds globally, with India witnessing thousands of innocent people falling victim to such scams. Many have lost substantial amounts of their hard-earned money to frauds carried out via internet. The surge in digital scam cases underscores a troubling trend, with individuals from all walks of life increasingly being targeted.

In the age of rapid digital evolution, digital scams have emerged as one of the most insidious forms of cyber crimes.

8. As online banking services have grown in popularity, the incidents of online banking fraud have also surged. Among the most widespread cyber crimes are phishing scams targeting bank customers. Cyber criminals steal login credentials to access bank accounts and harvest credit and debit card information for financial gain, leading to the victims suffering from significant financial losses.

9. Online bank fraud occurs when a cyber criminal steals an individual’s or company’s digital banking credentials and gains access to their associated bank accounts and credit/debit cards. Online banking fraud encompasses a range of criminal activities carried out through a bank’s app or website. This includes illegally

accessing someone else's account to manage or transfer funds to other phishy and fraudulent accounts.

10. The highly digitized nature of modern banking provides attackers with numerous opportunities to commit these crimes. Although banks continue to implement advanced measures to secure and protect their digital services and protect customer accounts, the increasing sophistication of these attacks makes it more difficult to detect when such frauds are occurring.

Conclusion:

11. In view of the foregoing discussion, and bearing in mind the parameters governing the grant of bail, this Court is of the view that a detailed analysis of the evidence and an elaborate discussion on the merits of the case are wholly impermissible at the stage of considering bail. The questions concerning the admissibility, credibility, or effect of evidence, and the weight to be accorded to witness statements, are all matters to be adjudicated at the stage of trial, and not while exercising jurisdiction on a bail application. This Court confines itself only to assessing the existence of a *prima facie* case and finds that, in the present matter, the petitioners have not made out any grounds warranting the exercise of discretion in their favour. There is no material change in the facts and circumstances of this case to entertain these second bail applications and grant indulgence of bail to the petitioners.

12. Considering the gravity of the allegations, the organized manner in which the offence appears to have been executed, and the conclusion of investigation into a wider conspiracy created by

the accused persons to grab the hard-earned money of the innocent cyber fraud victims, this Court finds no justification for the petitioners' enlargement on bail.

13. The bail applications are, accordingly, dismissed.

14. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

Parting Remarks:

15. Before parting with this order, this Court feels pain to observe that in the age of rapid change in technology and digital evolution, digital scams have emerged as one of the most insidious form of cyber crimes. Digital scams pose a significant threat to our interconnected world, hence, there is a necessity for a multi-faceted approach to combat them effectively. Different countries have adopted legislation, public awareness campaigns, technological innovations and collaborative initiatives to mitigate the risk associated with these scams. While challenges remain, ongoing efforts and commitments at local, national and international levels signify a promising trajectory towards reducing the prevalence and impact of digital arrest scams. The shared experiences and strategies from various nations serve as crucial learning points in this ongoing battle against cyber crime. Ultimately, empowering individuals with the knowledge and tools to resist such scams will be of paramount importance in this fight.

16. Though several steps have been taken at the various levels of the Government but in order to curb out the current and dangerous situation, further more serious steps are required to be taken by all the stakeholders.

17. Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (for short 'Rules of 2021') have been enacted by the Government to control the activities on social media platforms, over the top platforms and digital news portals. These Rules aim to track down the source of damaging information. It has been found that data is being sold by some of the social media companies and the same is being misused by the accused involved in committing such cyber crimes against the innocent public at large. Our country's growing technological progress and increased penetration are reflected in the rise of cyber crime in the nation. Let strict action be taken against all those delinquents, including Companies, who are selling the data of individuals which is misused by the accused persons by different means to commit cyber crimes. Let a strong mechanism be prepared to save the innocent persons from losing their hard earned money.

18. It is right and high time to launch a public campaign through print, electronic, social media, television, and FM radio, ensuring that awareness is spread every hour of every day, to reach the general public to remain careful before doing any online transactions. The process of registration of cyber fraud complaints should be simple not complicated, so that the complaint can be lodged immediately and all efforts be made by all the stakeholders to save the money of such cyber fraud victims.

19. In terms of the RBI circular dated 06.07.2017 all banks are required to provide its customers with 24x7 access through multiple channels via website, phone banking, SMS, e-mail, IVR a dedicated toll-free helpline, reporting to home branch, etc. for

reporting unauthorized or fraudulent transactions. The fraud reporting system of banks is also established to ensure that customers' complaints are immediately responded to, with a registered complaint number. In case a report is made regarding unauthorized transaction in an account, it is for the banks to ensure that no further unauthorized transactions take place in the account.

20. Office is directed to send a copy of this order to the Ministry and Department of Finance of the Centre as well as State Government, the Ministry of Home Affairs of the Centre as well as State Government, the Director General of Police State of Rajasthan, Jaipur and Reserve Bank of India for making necessary compliance and to take more suitable measures to protect customers and innocent persons and their hard-earned money.

(ANOOP KUMAR DHAND),J

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