

*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2040 OF 2015

Balmukund R.Srivastav Vs. State of Maharashtra and Anr.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Rajesh Singh i/by Mr Rajesh Mishra for the applicant.
Ms S.S.Kaushik, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 3rd March, 2016

P.C.

1) The applicant is seeking bail in CR No. 159/2014 registered with MHB Colony Police Station, Mumbai under sections 419, 420, 465, 467, 468, 120-B read with section 34 of the IPC with sections 66 (c) and 66 (d) of the Information Technology Act.

2) It is the case of the prosecution that the co-accused namely Rajeev Agarwal pretended himself to be the agent of the Reliance Life Insurance Co. The complainant received a call from the said Company and advised him to purchase reliance life insurance money multiplier plan. Accordingly, the complainant purchased one policy and paid the yearly instalment of Rs.29,992/-. Subsequently, the complainant received a phone call from co-accused Rajiv Agarwal and he informed the complainant that he has received complaints from various customers

about the agents appointed by their Company that they are not providing proper services to the customers. Therefore, the benefits which the Company give to their customers in terms of money, would be deposited in the account of the customers directly. He further informed the complainant that for getting the benefits of the year 2013-14 the complainant and his family members will have to take life insurance policies and the amount of premium of the said life insurance policy will have to be given to his Sales Manager by name Akram Mohammad, stationed at Mumbai. The applicant accordingly issued two cheques of Rs.40,200/- and 60,000/- in the name of the said company and handed it over to said Akram Mohammad. It is the further prosecution case that the accused namely Rajiv Agarwal subsequently informed the complainant that the said Reliance Company has disbursed a bonus of Rs.1.50 Crore and before receiving the said bonus the complainant will have to deposit 18 to 20% of the amount in a particular account and the said amount will be received with the bonus amount. The complainant thereafter deposited the said amount in an account which was belonging to the present applicant. As the complainant did not receive either the policies or the benefits as was assured and told by accused Rajiv Agarwal, the complainant lodged the present FIR. After completion of investigation, the police have filed the charge-sheet.

3) Heard the learned counsel for the applicant and the learned APP for

the State. I have also perused the entire charge-sheet annexed to the present application.

4) The witness namely Sagar Sunil Chauhan in his statement dated 3.2.2015 has stated that his brother namely Ankit Sahdeo (co-accused) was the owner of a call center at New Delhi. The said co-accused Ankit Sahdeo informed the said witness Sagar Chauhan that as the co-accused was doing the business in the sale of insurance policies, he was to receive certain amounts for the same. The said co-accused Ankit Sahdeo informed the witness Sagar Chauhan that he did not have any bank account, therefore, requested said witness to permit him to use the said witness' bank account. The witness Sagar Chauhan thereafter informed the said co-accused that as he did not operate his bank account for a pretty long time, his account is not in operation. Witness Sagar Chauhan therefore introduced Ankit Chauhan (co-accused) with the present applicant. The co-accused Ankit Sahdev informed the present applicant that if the applicant permits him to use his bank account and ATM card, certain amounts will be deposited in the said account and the applicant will be paid commission for the same. Said statement discloses that an amount of Rs. 4 lakhs was deposited in the said account of the applicant. The said amount was withdrawn by co-accused Ankit Sahdeo and he paid an amount of Rs.25,000/- to the present applicant towards commission. It prima facie appears that the applicant believed in the words of his

friend i.e. witness Sagar Chauhan and permitted the co-accused Ankit Sahadeo to use his personal account on the representation made by the said co-accused. Apart from the role stated herein above, there is no other role attributed to the present applicant in the entire crime. So also except the statement of the aforesaid evidence, Sagar Chauhan there is no other evidence available on record as far as the applicant is concerned.

5) In view of the above, the applicant has made out a case for his release on bail.

6) Hence, the following order :

ORDER:-

(a) The applicant shall be released on bail in CR No. 159 of 2014 registered with MHB Colony Police Station, Mumbai on his furnishing a PR. bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

(b) After release from jail, the applicant shall attend MHB Colony Police Station, Mumbai on every first Monday of the month between 11:00 a.m. to 1:00 p.m.

(c) The applicant shall not tamper with the evidence and/or influence the witnesses;

The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)