IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1872 OF 2016

Ankit Anil Sehdev ... Applicant
Vs.
The State of Maharashtra … Respondent

Mr.Shashi K. Jain, Advocate for the applicant.
Mrs.P.P.Shinde,APP, for the State.
Mr. Shriram Bhosle, PSI, MHB Colony Police Station present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 2nd February, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 4.2.2015 in Crime No.159 of 2014registered at MHB Colony Police Station on 25.6.2014. The investigation is completed and charge-sheet is filed in April 2015 against the applicant and others for offences punishable under Sections 419,420, 465, 467, 468, 120B read with Sections 66C and 66D of the Information Technology Act, 2000.

2. At the outset, the learned APP submits that in the present case, the trial has commenced and the complainant is in the witness box.

3. The learned counsel for the applicant has vehemently submitted that the co-accused Balmukund Srivastav and Mohammed Akram have been enlarged on bail by this Court and by virtue of doctrine of parity, the applicant would be entitled to be enlarged on bail.

4. It is clear from the records that the role attributed to each of the accused is distinct and needs to be considered accordingly.

5. It is the case of the prosecution that the complainant had received a phone call informing him that the mutual fund which he had purchased from the Reliance Company had matured and that the company had advised purchase of life insurance money multiplier plan. On 11.2.2011, the complainant had purchased the Reliance Life Insurance Money Multiplier Plan Policy and instalment of Rs.29,992/- was to be paid for 3years failing which the policy would lapse. He paid the instalments regularly. In April, 2013, he had received a phone call from a person who had posed as Rajeev Agarwal who further informed the complainant that he was working as General Manager of Reliance Life Insurance Company. The complainant was informed that the company has received several complaints that agents are not providing proper service. It appears that the policy purchasers would be entitled to an additional bi onus from the company like Life Insurance Company and he was directed to pay a cheque in favour of co-accused.

6. It appears from the records that the role attributed to the present applicant is that the he had utilised the savings account of Balmukund Srivastava. The applicant herein had withdrawn the amount

which was deposited by the policy purchasers in the account of Balmukund Srivastava which he was operating in HDFC Bank. In the course of investigation, it has transpired that the present applicant was running a call centre. His brother Sagar had approached Balmukund and sought his permission to use the savings account wherein his brother would deposit the amount.

7. The learned counsel for the applicant submits that the applicant does not run any call centre. However, on 15.2.2015, the statement of the applicant was recorded by the police and he had disclosed that he was running a call centre along with his friend Nawaz Khan in Sector 62, Noida, Uttar Pradesh. He has also admitted that through the call centre, he was contacting many policy holders of various companies and after taking them into confidence, they would disclose that certain bonus has been declared. and they could awail of it in the eventuality that they pay additional amount. The people had deposited the amounts. He had also disclosed that in fact he had taken the cheques from several people in the name of Mohammed Akram. However, he had given those cheques to Rohit who had then deposited the said cheques in the account of his mother Premila Singh who happens to be the accused.

8. The learned APP submits that the applicant was the person who

had called the customers in the name of Rajeev Agarwal.

9. The learned counsel for the applicant submits that charge-sheet does not disclose that the applicant had called in the name of Rajeev Agarwal. Be that as it may, the trial has commenced. The complainant is in the witness box. The role attributed to the present applicant is that he had called several customers through his call centre and has cheated several people. The learned APP, upon instructions, submits that he is also being prosecuted in an offence registered at Delhi. There is more than sufficient material to indicate that the applicant has committed an offence punishable under Sections 420, 467 and 468 of the Indian Penal Code.

10. The application being sans merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)