

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.278 OF 2018

Akhilesh Ajay Singh @ Ramsingh	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr.S.R. Pasbola i/b. Mr.Rahul Arote, Advocate for the Applicant.
Mr. A.R. Kapadnis, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : APRIL 10, 2018.

P.C. :

This is an application for bail in connection with C.R.No.I-596 of 2016, registered with Kashimira Police Station, Thane. The offences were registered under Sections 419, 420, 384, 468, 471, 201 read with 120B of Indian Penal Code and Sections 20 and 21 of Indian Telegraph Act as well as Sections 66(b)(d), 71 and 72 of Information Technology Act.

2 This is a second application before this Court. Since the earlier application bearing No.745 of 2017 was rejected by this Court vice order dated 4th August, 2017, this application has been placed before me in accordance with order dated 5th February, 2018.

3 Learned counsel for the applicant submitted that the earlier application was rejected on 4th August, 2017, however, the trial has not yet commenced. Even charge has not been framed. It is submitted that there are about 189 accused involved in this case. About 172 accused are released on bail. It is further submitted that the prosecution is relying on large number of witnesses (over 200 witnesses) which are proposed to be examined before the trial Court. It is submitted that the applicant is in custody since 3rd November, 2016.

4 Learned advocate for the applicant further submitted that he is entitled for bail on the ground of parity. He relied upon the order passed by the Apex Court in Criminal Appeal No.512 of 2018, granting bail to the co-accused Jagdish Ramnikal Kanani by order dated 9th April, 2018. the said order was passed in an appeal preferred against the order rejecting his bail application by this Court vide order dated 4th August, 2017. It is submitted that the role attributed to the accused who is being granted bail by the Apex Court is more serious than the applicant. The trial is pending before the Court of Judicial Magistrate First Class, 7th Court, Thane. In view of the circumstances, it is submitted that the trial would not be completed within a short span of time, and

considering the fact that the Hon'ble Supreme Court has granted bail to Jagdish Kanani, the applicant may also be directed to be released on bail. It is submitted that grant of bail to the aforesaid accused is change in circumstance to consider this application.

5 Learned APP submitted that the role played by the applicant is more serious than the role of Jagdish Kanani. He pointed out the observations of this Court made in the order dated 4th August, 2016, wherein the role attributed to this applicant has been narrated and reasons for rejecting bail to the applicant are being assigned. It is further submitted that the directions can be issued to the trial Court to expedite the process of framing charge. The summons has been issued to the accused who are on bail for remaining present before Court for the purpose of framing of charge. It is submitted, on instructions, that about 56 accused have been served with summons for appearance before the trial Court for the purpose of framing charge and others who are on bail are yet to be served with summons. It is submitted that the prosecution would endeavour to produce the accused who are served with the summons and the charge would be framed expeditiously. Learned APP therefore, submitted that the bail should not be granted to the applicant.

6 I have perused the order of the Apex Court granted bail to co-accused. The said order was passed yesterday i.e. 9th April, 2018. Perused the observations made in the common order dated 4th August, 2016, passed by this Court while rejecting the application for bail preferred by the applicant as well as the co-accused Jagdish Kanani. The role assigned to the applicant is for making arrangement of premises and executing documents and looking after the monetary affairs for providing infrastructure to call centre. The prosecution has alleged that the co-accused Jagdish Kanani is the Kingpin alongwith the co-accused Sagar Thakkar, who have masterminded the entire act leading to the commission of crime. He was allegedly the owner of one of the call centre and the data received from him was being used for making calls to American citizens. In any case, the Hon'ble Supreme Court has granted bail to Jagdish Kanani, on the basis of the fact that the said accused is in custody from 16th August, 2016 and that the trial is yet to commence. It would be appropriate to incorporate the order of the Hon'ble Supreme Court which reads thus:

“1 We have heard the learned counsels for the parties.

2 Leave granted.

3 *The accused appellant has been in custody since 16th October, 2016. The trial is yet to commence. A large number of witnesses (over 200 witnesses) is proposed to be examined by the prosecution.*

4 *Having regard to the period of custody suffered and the likely period which would be taken for completing of the trial we are of the view that appellant should be released on bail. We order accordingly. Therefore, the appellant is ordered to be released on bail to the satisfaction of the learned trial Court in connection with C.R. No.-I-596 of 2016 registered with Kashimira Police Station, Thane rural.*

5 *The learned trial Court is free to impose condition(s) as may be considered appropriate. The appellant is directed to surrender his passport before the learned trial Court.*

6 *Consequently, the order of the High Court is set aside and the present appeal is disposed of in the above terms."*

New Delhi, April 09, 2018

7 Thus, it is Crystal clear that the co-accused has been granted bail by the Apex Court on the ground that the trial is yet to commence and there are number of witnesses proposed to be examined by the prosecution. The bail has been granted having regard to the period of custody suffered and the likely period it would be taken for completion of the trial. It is noted that the

applicant is in custody since 3rd November, 2016. In the circumstances, the applicant is also entitled for parity in view of the order passed by the Supreme Court. In the light of order passed by the Apex Court, the applicant can be released on bail.

8 Hence, I pass the following order:

:: ORDER ::

- (i) The applicant is ordered to be released on bail in connection with C.R.No.I-596 of 2016, registered with Kashimira Police Station, Thane, to the satisfaction of the trial Court;
- (ii) The trial Court is free to impose condition(s) as may be considered appropriate;
- (iii) The applicant is directed to surrender his passport before the learned trial Court;
- (iv) Criminal Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)