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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1065 OF 2018

Rashesh Kiritkumar Chokshi ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.Sudeep Pasbola a/w Mr.Rahul Arote, for the Applicant.

Ms.Rutuja Ambekar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 4h MAY, 2018

P.C. :

1. Heard learned counsel for the parties.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-596 of 2016 registered with the Kashimira Police Station, Thane, for the alleged offences punishable under Sections 419, 420, 384, 468, 470, 471, 201 r/w 120B of the Indian Penal Code, under Sections 20 and 21 of the Indian Telegraph Act, and under Sections 66(c), 66(d), 72 and 75 of the Information Technology Act.

3. Learned Counsel for the applicant submitted that one of the main accused – Jagdish Ramniklal Kanani, as well as other two co-accused – Nasser Abdul Salam Ghori and Dharmesh Bhupendra Soni, who were running the Call Centre, have been enlarged on bail by the Apex Court and this Court respectively. He submitted that the allegations, as against the applicant is that he was providing VoIP (Voice over Internet Protocol) to the Call Centre.

4. Learned APP opposed the application.

5. Perused the papers, including the order dated 9th April, 2018, passed by the Apex Court, order dated 23rd April, 2018 as well as the order dated 10th April, 2018, passed by this Court. Co-accused - Jagdish Ramniklal Kanani, as well as other two co-accused – Nasser Abdul Salam Ghori and Dharmesh Bhupendra Soni, were running the Call Centres, where the alleged offences were committed. The said accused are alleged to be the mastermind of the case. According to the prosecution, Jagdish Kanani, one of the alleged owner of the Call Centres, run in Kashimira, Ahmedabad and Dayanagar, on the basis of the data received by him, was

using the same to make hoax calls to American citizens. As far applicant is concerned, he was neither working with the Call Centre nor connected with the Call Centre. The allegation as against the applicant is that he as a vendor, provided VoIP (Voice over Internet Protocol) to the Call Centre run by the co-accused. The applicant is in custody since 4th April, 2017. Investigation is complete and charge-sheet is filed. There are no antecedents, qua the applicant.

6. Considering the role of the applicant as well as on the ground of parity, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

(i) The Applicant be released on cash bail in the sum of Rs.50,000/-, for a period of six weeks;

(ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.50,000/- with one or more local solvent sureties in the like amount;

iii) The Applicant shall attend the concerned Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., until further orders;

iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial;

vi) The Applicant shall deposit his passport, if any, in the trial Court;

vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the trial Court, within two week's of his release;

viii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)