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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1170 OF 2018

Ragesh Ramsajivan Pandey **..Applicant**
Vs
The State of Maharashtra **..Respondent**

Mr. Nitin Patil i/b Rachna Divekar for applicant.
Mr. Ameet Palkar, APP for State.

CORAM : A.S.GADKARI, J.
DATE : 18th June 2018.

P.C.:

1] This is an application under Section 438 of Cr. P.C for pre-arrest bail in CR No.I-31 of 2018 dated 24.1.2018 registered with Kalwa Police Station, District- Thane under Section 420 of Indian Penal Code and under Sections 66, 72, 72A of Information Technology Act, 2000.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Ms. Neelam Y. Wakchowre, Woman Police Constable attached to the Crime Branch, Unit No.1, Thane. It is stated that, the principal accused Makesh Pandian was conducting a private detective agency namely 'Glob Detective Agency'. That

the said Makesh Pandian in connivance with other accused persons including Police officers used to illegally procure data of certain customers who are the subscribers of the mobile service providers and the said C.D.R./S.D.R. Data was subsequently sold to needy persons.

4] The learned Counsel for the applicant submitted that, the police have completed investigation and submitted chargesheet. That in the entire chargesheet, none of the witnesses mentioned the name of the applicant. That the other accused persons have been released on bail and therefore the custodial interrogation is not necessary and prayed that the applicant may be granted pre-arrest bail.

5] The record of investigation indicates that, the applicant was in contact with with one Kirtesh Kavi who was also running a private detective agency and the applicant is also alleged to be a private detector and it is the prosecution case that, the applicant has procured C.D.R./S.D.R. Data of certain customers from mobile service providers. It is the prosecution case that, the applicant for gaining pecuniary benefits, committed theft of valuable secret information of the customers of the said mobile service providers.

6] Indubitably the allegations against the applicant are of serious nature and requires thorough investigation. Though the police have submitted chargesheet, the investigation qua the applicant is still remained to be completed and the same cannot be taken to its logical end without there being custodial interrogation of the applicant.

7] After taking into consideration the record of investigation, serious allegations against the applicant and the gravity of offence, this Court is of the opinion that the applicant does not deserve to protected by pre-arrest bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)