Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2172 OF 2019

Jamsher Shahajan Khan	]	Applicant
Versus		
State of Maharashtra	]	Respondent

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Mr. P.R. Kalantri i/b Utkarsha Mane, for the Applicant.

Mr. S.V. Gavand, A.P.P for the Respondent - State.

P.I – Mr. Baban S. Pathare, Trombay Police Station.

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CORAM : REVATI MOHITE DERE, J.

DATE : 9TH OCTOBER, 2019.

P.C. :

Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.243 of 2018 registered with the Trombay Police Station, Mumbai for the alleged offences punishable under Sections 419, 420 r/w section 34 of the Indian Penal Code and section 66 (c) and 66 (d) of the Information of Technology Act.

3. Learned Counsel for the applicant states that the applicant has not been named in the F.I.R and is being falsely implicated in the said case.

4. Learned APP opposed the application.

5. Perused the papers. According to the complainant-Rehana Shaikh, she received a call on her mobile from an unknown person. She has alleged that the caller informed her that he was from K.B.C and that the complainant had won a lottery. The said unknown person also informed that she was amongst the five persons who were selected out of 500 people. According to the complainant, the said person informed her that she would be getting Rs.25,00,000/- and asked her to send her information on I.M.O application. The complainant has stated that she saw her photo on the I.M.O application which was received from an unknown number. The applicant stated that she was winning a lottery of Rs.25,00,000/-, from K.B.C. She has further stated that the said unknown person informed her that she should deposit processing fees and only thereafter the said amount of Rs.25,00,000/- would be credited into her account. Pursuant thereto, the complainant deposited an amount of Rs.3,07,000/-. The complainant has further stated that on 11th July, 2018, one Rana Pratap informed her that he was arrested by the Police alongwith the lottery money and that for his

release, she should deposit an amount of Rs.23,000/-. The complainant found the said call to be suspicious and hence, informed the Police. Pursuant thereto, the complaint was lodged as against the unknown person.

6. During investigation, it was found that the applicant was using the account number and A.T.M cards of one Mithu Bag and Preetam Maity. A perusal of the statements of the said witnesses shows that the applicant had taken their A.T.M cards and had withdrawn the amount deposited by the complainant in the said accounts. The applicant is presently in the jail in West Bengal in connection with a similar offence. It appears that during investigation, the Police found that calls were made from a number, which originated from Pakistan.

7. Having regard to the aforesaid, custodial interrogation is warranted. Accordingly, the application is rejected.

8. If an application for regular bail is filed, the trial Court shall decide the said application on its own merits, uninfluenced by the observations made in this order.

8. The application is disposed of.

9. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

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

[REVATI MOHITE DERE, J.]