IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 570 OF 2021

Devendra Sukhpal Singh .... Applicant

Versus

The State of Maharashtra .... Respondent

Ms. Swati Rathi a/w Sarvesh Dixit i/b Rajkumar Laxman A. Rajhans, for the applicant.
Smt. A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 9th APRIL, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 274 of 2020 registered at Vasai Police Station, on 08/07/2020 under sections 420, 406 read with Section 34 of the Indian Penal Code.

2. Heard Ms. Swati Rathi, learned counsel for the applicant and Smt. A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by one Mary Michael Adradis. She was retired and LIC agent. She got message on social networking site on 18/5/2020 from one Leo Jacob. She accepted the friend request. Said person represented to her that he was a pilot in British Airways. The informant told him about herself. Their conversation continued for a few days. Then he started contacting her on social networking site connected with her mobile phone. He told her that he wanted to purchase two acres of land in the industrial area. He told the informant that she should purchase the land in her name. He told her that he was sending a parcel containing a watch and money. The informant expressed her doubt as to how money would be delivered by courier. Said person assured her that it would be done by his company. He also told her that he was to come to India and he would handle everything himself. On 9/6/2020, the said person told the informant that some parcel was sent containing money for that the informant would have to pay Rs.

38,000/- . He gave one account number of Axis Bank. The informant transferred the amount to that account. The FIR further mentions various instances where the said person kept on asking for money and the informant kept on transferring the amount. The FIR mentions that in all Rs. 57,36,000/- were transferred by the informant at his behest to various accounts. Ultimately, she realised that she was cheated and therefore this FIR is lodged.

4. Learned Counsel for the applicant submitted that in the entire FIR there are various transactions. Only in case of two transactions, the applicant's account was used. That account was with HDFC Bank, Delhi Branch. On two occasions Rs. 1,69,000/- and Rs. 5 lakhs were transferred by the first informant to the applicant's account. She submitted that the applicant had sold his shop and articles and he was expecting money from that transaction. He merely received that money in his account. He was not concerned from which account the money was being transferred. She further submitted that

the applicant is not concerned with the aforementioned Jacob or his other associates. She submitted that there is no link between the applicant and the main accused.

5. Learned APP opposed this application and relied on investigation carried out so far. She particularly invited my attention to the statement of one Jatin who has stated that the applicant was in touch with some Nigerian nationals and was indulging in such activities. Learned APP also submitted that the amount of Rs. 2,95,000/- was transferred in the account held by the applicant's wife on 11/6/2020. That account was held with Axis bank. She therefore submitted that the applicant's involvement is more than clear from the investigation.

6. I have considered these submissions. As rightly submitted by learned APP, there are transactions showing that the money was directly deposited with in the accounts of the present applicant and his wife. Of course,

there are other transactions in different accounts as well. Statement of Jatin also shows that the applicant was in touch with Nigerian nationals and those persons as well as the present applicant were indulging in such fraudulent transactions. At this stage, the investigating agency has sufficient material against the present applicant. The amount involved is huge. Fraud is serious. Therefore it is necessary to carry out thorough investigation in this matter. Therefore, custodial interrogation of the applicant is necessary. No case for anticipatory bail is made out.

The application is rejected.

(SARANG V. KOTWAL, J.)