

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1022 OF 2020

Adnan Sufiyan Khan

... Applicant

Versus

The State of Maharashtra

... Respondent

.....

Mr. Ashok Kumar Dubey a/w Mr. Anil Kumar Pandey a/w Mr. Abhinav Dubey & Mr. Dhiraj Kamble i/b. SAVJ Law Solutions, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

Ms. Aparna Joshi, P. I. D.C.B. C.I.D. Unit-6, Chembur, Mumbai, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 15th JANUARY, 2021.

PER COURT:

1. This is an application for anticipatory bail in connection with C.R. No. 242 of 2020 registered with Shivaji Nagar Police Station, Mumbai for offences under Sections 420 r/w Section 34 of Indian Penal Code and Sections 4, 20 & 25 of Indian Telegraph Act, 1884 and Sections 3 & 6 of Indian Wireless Telegraphic Act, 1933. The First Information Report was registered on 30th May, 2020.

2. The applicant had preferred application for anticipatory bail before the Sessions Court which has been rejected. The case of the prosecution is that the information was received from the reliable

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sources that parallel telecommunication operation is going on. The cards are prepared and activated from Madhya Pradesh and Chhattisgarh. Mostly there are outgoing calls and incoming messages and sometime the tower network was changing and showing roaming circle. During inquiry it was found that, number of calls done on cell site and IMEI number of mobiles are changed. Without permission of Indian Government nobody can operate the internet, internationally generated voice call Public Switch Telephone Network (PSTM) and Public Land Mobile Network (PLMN) international VoIP calls are generated in foreign countries. The complainant had examined two mobile numbers and found illegal PSTM AND PLMN activity through sim box is going on. The investigation was conducted in that regard. Some of the accused were arrested during the course of investigation.

3. Learned counsel for the applicant submits that, there is no involvement of the applicant in the crime. The investigation authority is relying upon the statement of the co-accused. The said co-accused has implicated the applicant on account of business rivalry. All the arrested accused are granted bail. Custodial interrogating of the applicant is not necessary.

4. Learned APP submitted that several sim cards were procured on the basis of the bogus Aadhar cards. During the Course of investigation the complicity of the applicant was disclosed. He was involved in preparation of fabricated Aadhar cards. The investigation is in progress.

5. The involvement of the applicant has been disclosed during investigation. During interrogation of arrested accused, complicity of the applicant is revealed. Hence, no case for grant of anticipatory bail is made out.

ORDER

Anticipatory Bail Application No.1022 of 2020 is rejected and stands disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)