

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [ABA] NO. 591 OF 2021.

Manoj Kamalkar Kapse and 3 others.

-VERSUS-

The State of Maharashtra, through P.S. Cyber, Amravati City, Amravati.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.R. Gupta, Advocate for Applicants.
Shri A.M. Deshpande, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : SEPTEMBER 22, 2021.

Heard.

2. Applicant Nos. 1 to 4 are seeking pre-arrest bail in Crime No. 14/2021, registered with Cyber Police Station, Amravati City, Amravati for the offence punishable under Sections 419, 420 and 34 of the Indian Penal Code read with Section 66D of the Information Technology Act.

3. After hearing the matter for quite some time, when this Court expressed its non-inclination to grant pre-arrest protection to applicant nos. 1 to 3, the learned Counsel appearing on their behalf sought

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permission to withdraw the bail application in respect of applicant Nos. 1 to 3. In view of that, Criminal Application as regards applicant nos. 1 to 3 is disposed of as withdrawn.

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At the instance of a report lodged by one Imran Khan, the aforesaid crime came to be registered. It is contended that applicant no.1 Manoj Kapse, is the proprietor of E-Prime Sales and engaged in the business of e-commerce industries. The said concern was indulging into sale of consumer products and like appliances. Applicant nos. 2 and 3 were sourcing and procuring the products in low price. It is alleged that applicant no.4 Roshani, who is wife of applicant no.1 Manoj Kapse, was assisting in the business. She used to look after the accounts.

2. Perusal of case diary reveals that near about 300 customers I.Ds. were prepared and the amount cheated under various schemes reached to Rs.47 Crores. The role assigned to applicant no.4 is of assisting prime accused in the business.

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3. It is brought to the notice of this Court that applicant no.4 lady has delivered twin babies on 25.10.2017, who are totally dependent on her. On perusal of the case papers, I do not find any material against applicant no.4 so as to deny her pre arrest protection. All the allegations of creating App, Website relates to applicant nos. 1 to 3. Having regard to the allegations against applicant no.4, her liberty can be protected by directing her to join the course of investigation. In view of that following order is passed.

- (i) Criminal Application in respect of applicant no.4 is allowed.
- (ii) In the event of arrest of applicant no.4 Roshani Manoj Kapse in connection with Crime No.14/2021, registered with Cyber Police Station, Amravati City, Amravati for the offence punishable under Sections 419, 420 and 34 of the Indian Penal Code read with Section 66D of the Information Technology Act, she be released on pre-arrest bail on her executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount.
- (iii) Applicant No.4/accused to attend the concerned police station on every Sunday in between 11 a.m. to 2 p.m., till the filing

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of charge sheet or 3 months, which ever is earlier.

- (iv) Applicant No.4/accused shall not tamper with the prosecution evidence in any manner.

Rgd.

JUDGE