IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1049 OF 2022

Farman Ali Muzaffar S/o. Muzaffar Ali,
Age 25 years, Occu. Private Service,
R/o. Rasulpur, Auranagabad.
Meerut Uttar Pradesh-250001 .. Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Cyber Police Station, Jalgaon .. Respondent

Advocate for Applicant : Mr. Amit A. Yadkikar
APP for Respondent : Mr. K. S. Patil

CORAM : S. G. MEHARE, J.

DATE : 12-09-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.

2. The applicant is seeking anticipatory bail under Section 438 of the Code of Criminal Procedure, in the Crime / First Information Report No. 15 of 2021 registered with Cyber Police Station, Jalgaon, for the offences punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code and Section 66D of the Information Technology Act, 2000.

3. In the nut shell, it has been alleged in the complaint that all the accused in conspiracy with each other were inviting applications from the the complainant for sanctioning the loan. It has also been specifically alleged against the accused that the

informant has received a phone call from one accused Anjali Sharma. She offered him a job as a financial assistant. The various loan forms were sent to him. He has gone through the web-site and he believed that she was working with TATA Finance Limited. After following due procedure, an appointment letter was issued to him. He was appointed as Sales Manager. He has marketed for the fake call center run by the accused. The accused have collected huge amount from him towards the processing fees from the various newly borrowers. However, he learnt that all the accused were played fraud with him and the said company was not in existence any time. The huge amount has been transferred by him from various aspirants borrowers. He has given the details of the amount transferred to the accused. As far as the role attributed to the present applicant is concerned, the shop / place wherein the fake call center was run, was in the name of applicant. The huge amount was transferred to his account and he is one of the active accused in the crime.

4. The learned counsel for the applicant has vehemently submitted that the other co-accused have already been released on bail. He had a loan transaction with accused No.4 Monu Rana and hence he was transferring the amount to the account of applicant. He is not concerned with the alleged fraud and fake call center. He has submitted that accused No. 4 has transferred some amount in the H.D.F.C bank account. He has also vehemently

argued that the documentary evidence is available with the Investigating Officer and the role attributed to him is much lesser than the other co-accused, who have been released on regular bail. He has also referred to the order passed by the learned Additional Sessions Judge, Jalgaon, in Criminal Bail Application No. 923 of 2021 dated 15.11.2021 and argued that the role attributed to the present applicant is mild than the other co-accused. He has also vehemently argued that nothing is to be recovered from the applicant. Hence, he may be released on anticipatory bail.

5. The learned A.P.P. has strongly opposed the application contending that there is ample material against the applicant. He has referred to the various documents, which were allegedly forged and false documents disclosed by the present applicant. He has referred to the large number of the orders granting loan. He has also referred to the bank accounts showing that the amount of Rs.2,21,000/- and Rs.2,21,800/- has been transferred to the bank account to the applicant by the other co-accused. He has vehemently argued that the loan agreement of the shop where the accused were running the fake call center which was in the name of present applicant, the beneficiary and received the huge amount. It has been discovered in the investigation that a fraud more than Rs.10,00,000/- had been played. All the accused duped the poor persons and the complainant. The applicant has played an active role. Hence, the applicant has no ground for anticipatory

bail.

6. Perused the papers. The applicant itself has admitted that time and again other co-accused have transferred the money to his account. However, the prosecution has cogent and reliable material to believe that the applicant was actively involved in running the call center. The story put forth by him that he has loan transaction with accused No.4 does not appear probable. The prosecution has also material that time to time the huge amount has been transferred to the account of the applicant, he has also prepared forged document. So far as the orders passed by the learned Additional Sessions Judge, Jalgaon, in a case *Monu Iqbal Rana Versus The State of Maharashtra (Criminal Bail Application No. 923 of 2021)*, it has been specifically observed that, the applicant who is arraigned as accused No.4 is only a conduit and real beneficiaries seems to be the other two co-accused to whose account the amount was transferred. The amount was transferred to the account of present applicant. Considering the allegations levelled against the applicant and the material collected by the Investigating Officer against him, the Court is of the view that this is not fit a case for anticipatory bail. Hence, the application stands dismissed.

(S. G. MEHARE)
JUDGE

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