IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1314 OF 2022

Dhiru Kumar Yadav ..APPLICANT

VERSUS

State of Maharashtra ..RESPONDENT

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Mr. H.P. Randhir, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent – State
Mr. M.R. Wagh, Advocate for assist to A.P.P.

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CORAM : R.G. AVACHAT, J.
DATE : 13th SEPTEMBER, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 11 of 2021 registered with Cyber Police Station, Dist. Jalgaon for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code and under Section 66-D of the Information Technology Act, 2000.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by one Sunil Deore on 03rd May, 2021. It is his case that his father – Ramesh had retired as an Agricultural Assistant

way back in 2013. He passed away in March 2021. The father had received a phone call of one Gaura Sharma in 2014. He introduced his father one Life Plus Insurance scheme. The father was promised that he would be paid double the amount of investment after four years. The caller – Gaurav Sharma continued to make him phone calls and introduced various schemes. The informant's father had, therefore, invested a sum of Rs.33,20,752/- in aggregate in various schemes. One another person by name Agrawal would also call the informant's father. After the period of maturity, the informant's father had requested Gaurav and Agrawal to pay back his money. They, therefore, issued him cheques. The cheques were presented for enashment. Same however, bounced.

4. During investigation, involvement of the present applicant was surfaced. He came to be arrested. It appears that co-accused are absconding. As per the case of the prosecution, a sum of Rs.27 lakhs was deposited in the bank account of the present applicant.

5. Learned counsel for the applicant would submit that the applicant is in jail since 19th April, 2022. On investigation, the charge-sheet has been filed. The applicant is poor. He might have been compelled to lend his bank account to the fraudsters. He, therefore, urged for grant of bail.

6. Learned A.P.P. and learned counsel for the intervener would, on the other hand, submit that it is an economic offence. Hard earned money of the informant's father were received by the applicant and co-accused. Rejection of the application was, therefore, urged for.

7. Considered the submissions advanced. Involvement of the applicant in the offence in question is writ large. True, he is in jail for a period near about five months. On investigation, the charge-sheet has been filed. Learned counsel for the applicant would submit that applicant's father is attending the Court. He is ready to deposit a sum of Rs.2-3 lakhs. When the Court expressed disinclination, he (father of the applicant) on his own came around to deposit a sum of Rs.11 lakhs. The Court is, therefore, inclined to grant the applicant bail, more so when on investigation, charge-sheet has been filed.

8. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 11 of 2021 registered with Cyber Police Station, Dist. Jalgaon for the offences punishable under Section 420 read with

Section 34 of the Indian Penal Code and under Section 66-D of the Information Technology Act, 2000, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall deposit a sum of Rs.11,00,000/ (Rupees Eleven Lakhs) as a condition precedent for his release on bail.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD