

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

BAIL APPLICATION NO. 714 OF 2021

Rachit Niranjankumar Thakar

@ Harpreet Haman

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Karl Rustom Khan for the Applicant.

Ms. Sharmila S. Kaushik, APP for the State.

Mr. Nandkishor R. Bodare, PSI, Kandivali Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 30th MARCH, 2022.

P. C. :-

. At the outset, learned counsel for the Applicant seeks leave to amend the cause title. Leave granted. Amendment to be carried out forthwith.

2. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in C.C.No.2345/PW/2020 pending on the file of Addl. Chief Metropolitan Magistrate, 26th Court, Borivali, Mumbai for offences punishable under sections 417, 419, 420, 384, 120(B) r/w. 34 of the Indian Penal Code and sections 25(A), 20, 21 of Indian Telegraph Act and sections 66(b) (d) of the Information Technology Act.

3. Heard Mr. Karl Rustom Khan, learned counsel for the Applicant and Ms. Sharmila Kaushik, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The case of the prosecution is that on 05/10/2020, the police attached to Kandivali Police Station had received secret information that an illegal Call Center is being run in Plot No.126, D-8, Sanskar C.H.S., Gorai 2, Borivali West from where calls were made via voice mails to respectable persons residing in the United States of America. The callers would represent themselves as the Officers of the FDI and would send a voice mail. They would inform the recipients about cocaine, illegal documents and blood stains found in their respective cars, registered against their Social Security Numbers. Recipients were also informed that they were liable to pay fine and were induced in purchasing E-bay card and remit the amount to the banks with whom they have tie up. Pursuant to the said information, call centers came to be raided. Three persons who were present in the call centers were arrested. The computers and other material were seized. In the course of investigation, it was revealed that the Applicant had provided the software to the co-accused to make the voice calls. It is alleged that the

Applicant was also involved in the racket. The Applicant came to be arrested on 11/10/2020. He was found in possession of 04 mobiles which contained whats app chats which prima facie showed his involvement in the said crime. Hence, FIR came to lodged against the Applicant and others for cheating and committing other offences.

5. It may be mentioned that the Applicant is in custody since October, 2020, except for the period during which he was released on Covid bail. It is stated that the Applicant and the co-accused have received 600 US dollars from the victims. Learned counsel for the Applicant states that the Applicant is ready and willing to deposit Rs.50,000/- before the Trial Court within a period of four weeks from today. In the light of said statement and also considering the fact that the Applicant is in custody since long and the trial is not likely to conclude in immediate future, in my considered view, this is a fit case for grant of bail. Hence, the Bail Application is allowed on following terms and conditions :-

- (i) The Applicant who is facing trial in C.C.No.2345/PW/2020 pending on the file of Addl. Chief Metropolitan Magistrate, 26th Court, Borivali, Mumbai, is ordered to be released on bail on furnishing PR bonds in the sum of Rs. 50,000/-

(Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount. One of the two sureties would be local surety.

- (ii) The Applicant shall report to Borivali Police Station, Mumbai once in three months on 1st Monday of the month ;
- (iii) The Applicant shall not interfere with the witnesses and/or shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6. Bail Application stands disposed of in above terms.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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