

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2062 OF 2022

Sonu Sahivanlal Paswan, Age 28 years,
Occ.Business, R/o.Jangal Beni,
Madhav No.2, Moharipur,
Gorakhpur Fertilizer Factory,
Gorakhpur, Uttar Pradesh-273 007. Applicant
versus
The State of Maharashtra Respondent

Mr.Pandit Kasar, Advocate for Applicant.
Ms.PN.Dabholkar, APP, for State.
Mr.Sandip Kadam, Cyber Police Station, Pune City.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th October 2022

PC :

1. This is an application for anticipatory bail in C.R No.39 of 2021 registered with Cyber Police Station, Pune under Sections 419, 420, 465, 467, 468, 471 r/w 34 of Indian Penal Code and under Sections 66C and 66D of Information and Technology Act, 2000.
2. The applicant preferred an application for anticipatory bail before the Court of Sessions, at Pune. The said application was rejected by order dated 6th June 2022.
3. The FIR was registered by Amitkumar Gupta on 30th July 2021. It is alleged that on 24th June 2021 he received a message on his cell phone that amount has been withdrawn from his ICICI Bank and SBI Bank accounts. Since the complainant did not withdraw the said

amount, he realized that some unknown person has withdrawn the said amount without his consent. He immediately gave a call to bank's customer care centre and informed about the said fraudulent transaction and instructed bank to close the bank account. Thereafter he approached the local Police Station to lodge the complaint. He was directed to approach Cyber Cell and hence he proceeded to Cyber Cell, Shivaji Nagar Police Station and complained about online transactions. His complaint was registered. On 28th July 2021 he received a call on his cell phone. He was informed by the caller that he is attached to Gorakhpur Police Station, Uttar Pradesh and he was told that investigation has revealed that he has been cheated by some persons. He also asked for the complaint number which I registered with Pune Police. The complainant provided the C.R number via SMS to the said person. Investigation proceeded.

4. Learned advocate for applicant submitted that applicant has no connection with crime. Applicant is not responsible for withdrawal of said amount. There is no evidence to link the applicant with crime. The FIR was lodged against unknown persons. Custodial interrogation of applicant is not necessary. The applicant is willing to co-operate with investigation. The co-accused Dipendra Thapa has been granted anticipatory bail by Sessions Court at Pune. The allegations against applicant are similar.

5. Learned APP submitted that offence is of serious nature. Custodial interrogation of the applicant is necessary. The bio-metric record of complainant is compromised. His Aadhar Card is cloned and amount of Rs.45,000/- has been withdrawn from the bank

accounts of complainant. During investigation it was found that applicant was using bank account of Komal Thapa which was used by accused no.1 Raghvendra Mishra to transfer the money.

6. The offence is of serious nature. Looking at the nature of offence, custodial interrogation is necessary. Involvement of applicant is disclosed during the course of investigation. As per report of police, applicant is involved and arrested in C.R No.475 of 2021 registered with Cantonment Police Station, Gorakhpur, Uttar Pradesh for offences under Sections 419, 420, 467, 468, 471, 474, 120B, 411 of IPC and under Sections 66, 66C, 66D of Information and Technology Act, 2000. The complainant had visited registered office at Noida, Delhi for sale transaction of land and at that time had had provided Aadhar card, PAN card and bio-metric finger prints. The applicant and co-accused got said information from IGRS portal. The accused forged and Aadhdar card, PAN card and other documents of complainant and prepared forged rubber stamps of bio-metric finger prints of complainant and used in the commission of offence. The interrogation of the co-accused revealed the complicity of applicant in the crime.

7. Considering the nature of evidence against applicant and nature of offence, no case is made out for grant of anticipatory bail.

ORDER

(i) Criminal Anticipatory Bail Application No.2062 of 2022 is rejected.

(PRAKASH D. NAIK, J.)