

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

924 BAIL APPLICATION NO.119 OF 2023

SAKALA SHAMISHO S/O. SAKHILA SYIDNI
VERSUS
THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO.124 OF 2023

IMRAN USMAN SHOYABU / SHUAIBU
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Patil Bipinchandra K.
APP for Respondent-State : Mr. S. P. Sonpawale.

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CORAM : S. G. MEHARE, J.
DATE : 15.03.2023

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.

2. Learned counsel for the applicants would argue that similarly situated co-accused have been granted bail. In addition to the ground of parity, he would argue that nothing has been recovered from the applicants. The applicants are behind bars for more than two years. They are the students and came to India for education. The transfer of the alleged

money is not huge. The charge has also been framed. The applicants are young boys having no antecedents to their discredit. Hence, they may be granted bail.

3. Learned APP has strongly opposed the bail applications. He would submit that the applicants are not entitled to the parity. The accused, who have been granted bail have a different role. The applicants are foreigners. They were deliberately committed a Cybercrime which not only hamper the Indian economy, but also danger to the National security. It appears that they came to India with an ill motive to commit the fraud and withhold their stay for a long period. It cannot be a mistake. They have indirectly assisted the antisocial elements to affect the Indian economy. The applicants may have connection with some antisocial elements. The entry of the applicants to India under the pretext of the education itself is doubtful. They appear to be not from good families. The offence is not limited to India, but it may have an international connection. Therefore, releasing such accused is harmful. The above aspect should be considered while considering the bail applications.

4. Perused the papers. The applicants are admittedly the foreigners. They came to India for education. They admitted

for MBA and Law. Instead of pursuing their education, they involved in a Cybercrime. They have siphoned the money of the poor Indians by misusing the technology. Huge fraud of Fourteen Crores has been committed. The entire money is still not detected. The investigation is still going on though the charge sheet has been filed. There appears substance in the argument of the learned APP that the applicants may have an international connection with antisocial group and the students appears not from the good family. The intention of the applicants also not seen good. They have trapped the Indian students in committing the serious crime which may have an international impact. There appears substance in the argument of the learned APP that the offence is serious and the activities of the applicants are harmful to the Nation. Such a serious aspect cannot be ignored. The charges have been framed and trial has also been opened. It may likely to conclude in near future subject to the co-operation of all accused.

5. For the above reasons, both bail applications stand dismissed.

(S. G. MEHARE, J.)

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vmk/-