

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

ANTICIPATORY BAIL APPLICATION NO.173 OF 2023

Pradeep Nandlal Shukla ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Suresh Dubey for the Applicant.
Ms. A. A. Takalkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 19, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 420 read with Section 34 of the Indian Penal Code, 1860 and under Sections 66(C) and 66(D) of the Information Technology Act and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (hereafter "MPID Act", for short) in connection with C.R. No.1163 of 2021 dated 18/09/2021 registered with Tulinj Police Station.

3. In brief, it is the prosecution case that in June 2021 a friend of complainant's daughter told the complainant to install an application named Double-Q in the mobile phone and that she would get bonus if she informed other members. It is alleged that the complainant started operating the said app. Thereafter, certain financial transactions took place until August 2021. The complainant invested Rs.45,000/- in the said app. For getting shares she further invested Rs.20,000/-. On 17/09/2021 she found that at about 3.30 p.m. the said app was closed and hence the complaint came to be lodged.

4. Learned counsel for the applicant submitted that he is not at all concerned with the said business. According to him, he was only a partner and he did not have any knowledge of the transaction.

5. The charge-sheet is filed against the other co-accused. The present applicant is shown as absconding. The investigation reveals that the said Double-Q app was used to do money transactions. The statement of 25 witnesses are recorded and the total amount defrauded is to the tune

of Rs.16,14,500/-. There is a bank account in the name of the applicant where transfer of more than Rs.5 crores has taken place. The applicant is alleged to be a beneficiary of the illegal financial transactions and alleged to have duped the persons who had invested large amounts through the said Double-Q app. The applicant is reported to have following three criminal antecedents :-

Sr. No.	Police Station	C.R. No.	Under Sections
1.	D. B. Marg Police Station	162/2017	u/s. 406, 420, 34 of IPC.
2.	Navghar Police Station	751/2021	u/s. 420 of IPC and u/s. 66(D) of IT Act.
3.	Kashimira Police Station	775/2021	u/s. 420 of IPC and u/s. 66(D) of IT Act.

6. Considering the nature of the accusations, this is not a fit case to grant anticipatory bail to the applicant. The application is rejected.

(M. S. KARNIK, J.)