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

ANTICIPATORY BAIL APPLICATION NO.524 OF 2023

Mohan Bhoja Shetty

...Applicant

vs.

The State of Maharashtra

...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.525 OF 2023

Faizal Isak Shaikh

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Ganesh Bhujbal i/b Mr. Deepak Mane for the Applicants.
Mrs. M. R. Tidke APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 17TH MARCH 2023

P. C. :

1. Heard learned Advocate for the Applicants and learned APP for the Respondent-State.

2. Police staff belonging to different police stations conducted raid in the building by name Jay Deep Infosys in front of Setrum office, Mulund Check Naka, Thane on 1st October 2022. It was on the basis of secret information received that foreign nationals are cheated from bogus call center. When raiding party visited third floor of that premises, they noticed various persons sitting in different

compartments with computer and other hardwares. They disclosed their names. Police have taken into custody various hardwares and mobile handsets and other articles from those persons. They realised that the information was correct. Accordingly, the offence came to be registered against in all 20 named persons and their associates at Wagle police station on 1st October 2022, under sections 120-B, 419, 420, 465, 467, 468, 471 of the Indian Penal Code and under sections 66(C) and 66(D) of the Information Technology Act.

3. They have also arrested some of accused persons and they have been produced before the Court of Judicial Magistrate, First Class at Thane.

4. The police realised that premises in which these activities were carried out were taken on leave and license basis from one Uday Yeshwant Adivadekar as licensor in the name of Anantha Business Solution LLP. The Applicant-Mohan is partner of that firm. It is further disclosed that the Applicant-Faizal is also involved in these activities.

5. Learned Advocate Mr. Bhujbal for the Applicant read over contents of the FIR and he submitted that said Mohan is not named in the FIR and he has got no connection with those activities. Whereas in respect of Faizal also, he submitted that he has not been named in the FIR and his custody is not required. His further contention is that even if modus operandi as mentioned in the FIR is considered, yet police have not verified with those foreign nationals and nothing is recovered in order to corroborate the allegations in the FIR. He wants

to submit that the allegations in the FIR remained allegations only.

6. As against this, learned APP invited my attention to the FIR and submitted that the Applicant – Mohan is referred at various places in the FIR by name Anu Shetty and he is a person, who used to arrange the amount to brokers. Being licensee, he cannot disown about the activities carried out in those premises. Against Faizal, it is submitted that his mobile number is revealed during the investigation and police requires more time considering the link which crosses boundaries of this country. Even it is submitted that they have sought assistance of CBI and Interpol so as to communicate with foreign nationals. She pressed for custodial interrogation.

7. I have read papers made available by the police. Being partner of the firm, the Applicant-Mohan cannot disown his liability. The said agreement is collected during investigation. The modus operandi seems like that – telephone numbers of American Nationals were collected from one agency by paying their fees and from the call center those nationals were contacted. They were allured to purchase medical equipments at concessional rate and they were also assured of sanctioning of loan. It further reveals that password of those nationals were collected. Some of them have given and some might not have given. They were told to purchase amazon gift card and they redeemed with the help of password, that's how money is appropriated. Secondly, sanction letters for loan are submitted to them. Those sanction letters are also not genuine. Some of the members were sitting at Ahmedabad. The letter heads and logo of the companies are also manipulated. It is true that police will require time

to investigate, considering the geographical restraints. This case involves ramifications across India and image of our country is at stake. From the papers, it reveals that ip-address used by the Applicant-Faizal was unearthed with help of what's app company and Reliance Jio company. The other details like email, mobile number were also unearthed. There are call details report collected, having email id of the Applicant-Faizal.

8. From the above, it cannot be said that these Applicants are no way concerned with the activities carried out at that call center. At this stage this is sufficient material to not grant them anticipatory bail. Both Applications are rejected.

[S. M. MODAK, J.]