



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

BAIL APPLICATION NO. 1358 OF 2023

GANESH CHETU RAJVANSHI	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Sandeep Sherkhane for the Applicant.

Ms. Veera Shinde, APP for the State.

PI Mangesh Majgar, West Cyber Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 29, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code and Sections 66(C) and 66(D) of the Information Technology Act, registered on 07/10/2021 vide C.R. No.41 of 2021 with Cyber Cell, West Region Police Station, Mumbai.
- 3.** Learned APP opposed the application. According to the

learned counsel for the applicant, the role of the applicant is similar to that of the co-accused Chhotu Kumar Shankar Manjhi who has been enlarged on bail by the Sessions Court vide order dated 31/01/2023 in Bail Application No. 2937 of 2022. The relevant portion of the order reads thus:

"2. It is contention of Ld. Advocate for applicant that applicant is arrested by police in connection with Crime No.41/2021 for the offence punishable under Sections 420, 465, 468, 471 r/w 34 of IPC and Sections 66(C) and 66(D) of Information Technology Act. It is further contended that applicant is arrested on 4.12.2021. Investigation of case is completed. Charge-sheet is filed. It is further contended that as per allegation in FIR, on 15.09.2021 one person by name Saurabh Tripathi represented himself as Manager of Ambuja Cement and asked informant to deposit amount of Rs10,72,000/-. Accordingly, as per representation of that person, informant deposited that amount on 16.09.2021. Thereafter, informant came to know that they are cheated by unknown person. It is further case of prosecution that during investigation applicant and other accused found involved in this case. Hence, applicant is arrested. As per documents collected by investigating officer during investigation, there are no allegation against applicant of any misrepresentation by him nor there are any allegation about receiving any amount from informant. Role of this applicant is limited to the extent that his account is used by accused Yashpal Sharma and by using ATM Card of account of applicant, amount has been withdrawn by him. Accused Yashpal Sharma is released on bail by this Court on 13.05.2022. Nothing is recovered at the instance of applicant. Therefore, further custody of applicant is not required. Hence, prayed for grant of bail.

3. Ld. APP and investigating officer opposed the application. It is their contention that investigation of case is continued as per Section 173(8) of Cr. P.C. During investigation various transactions have been disclosed in the account of applicant. Main accused is yet to be arrested. Therefore, if the applicant is released on bail, he may tamper evidence of prosecution. Hence, prayed for rejection of application.

4. I have gone through the copy of charge-sheet filed on record by Ld. Advocate for applicant. In the said charge-sheet it is stated that applicant opened account and handed over ATM Card to Yashpal Sharma through Ramchandra Paswan. Except this, there are no allegation against applicant. In such circumstances, as the investigation is completed, charge-sheet is filed against applicant and in view of role of applicant stated by investigating officer in charge-sheet, further detention of applicant is not required as there is no possibility of recovery of any amount at the instance of applicant. Applicant is resident of outside jurisdiction of this Court. Hence, by imposing condition to secure his presence during trial, applicant may be released on bail."

4. Having regard to the accusations, the role of the applicant appears to be similar to that of the co-accused Chhotu Kumar Shankar Manjhi who has been enlarged on bail. Though the application is opposed by the learned APP, I am inclined to enlarge the applicant on bail on the same terms and conditions as the co-accused Chhotu Kumar Shankar Manjhi is released on bail. There are no criminal antecedents reported against the applicant. There is no

recovery at the instance of the applicant. The applicant is in pre-trial custody for more than 2 years. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ganesh Chetu Rajvanshi in connection with C.R. No.41 of 2021 registered with Cyber Cell, West Region Police Station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 4 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Cyber Cell, West Region police station once in three months, every first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m. commencing January 2024.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

5. The application is disposed of.

(M. S. KARNIK, J.)