

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

BAIL APPLICATION NO. 4189 OF 2021

Ranjeet Kumar Vishwakarma

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Sunny Aaron Waskar a/w Mr.Shamish Marwadi and Ms.Harshada Morey – Advocates for Applicant.

Mr.S.R.Agarkar – APP for Respondent-State.

Mr.Suresh Madane – Police Inspector – Manpada Police Station.

CORAM : S. M. MODAK, J.

DATED : 28TH JULY 2023

P. C. :

1. Heard learned Counsel for the Applicant and learned APP. The Investigating Officer is present.

2. The Applicant is Accused No.2. In all there are 9 charge-sheeted Accused apart from the wanted Accused. It is in respect of offence registered with Manpada Police Station on 11th August, 2020. It is for the offences punishable under Section 420 of Indian Penal Code, 1860 [“IPC”] read with Section 66-D of the Information Technology Act, 2000 [“IT Act”].

3. It is on the complaint of one Ruksana Kunhi Mohammad Saufeen. She is a doctor by profession and she was in need of a job. She uploaded her bio-data on Times Jobs website. She received certain e-mails. There was a job opportunity at Cleveland Clinic London Hospital. She has shown readiness, that is how the e-mail correspondence was exchanged. She was asked to deposit the amount on various pretext. One is Rs.36,000/-, another is Rs.58,400/- and another is Rs.48,406/-. She was assured about further response once the VISA will be obtained. She received a message from British High Commission, New Delhi that her VISA is cleared.

4. During this interaction, name of one Victoria Thomas is disclosed, so also, name of one Ramesh Yadav is disclosed. However, subsequently she realized that there are no job opportunities but under the pretext of offering her a job, she was cheated and accordingly, she approached Manpada Police Station. She also realized that one Arpan Chaudhari, Ghanshyam Patil and one Rajesh Harijan were also cheated.

5. During investigation, present Applicant came to be arrested. It is revealed that there are 18 bank accounts opened in the name of

present Applicant. He was assured of monthly return if he is allowed to use those bank accounts for the purpose of deposit of the amount and those persons used to withdraw the amount from those bank accounts and in turn, they used to give him monthly return. The statement of other victims namely Mr.Arpan Chaudhari is on Page No.121, Mr.Rajesh Harijan on Page No.135 and one Mr.Ghamshyam Patil is on Page No.150. The total amount lost by them comes to Rs.3,62,500/-.

6. It was further revealed that there is some Nigerian connection, that is to say calls are made by the persons from Nigeria. Even it is revealed that there are 3 offences registered at the Cyber Crime Branch, District : Rachkonda, State : Telangana.

7. Learned APP pointed out to me the following materials :-

- (a) A statement of one Mukesh Ganeshlal Sahu dated 30th January, 2021 (Page No.234). The present Applicant was called and he was asked of his PAN Card and Aadhar Card and was assured to Rs.20,000/- per month.
- (b) Page No.676 – A communication made with the State Bank of India standing in the name of the present Applicant.

8. Learned APP submitted that out of 18 bank accounts, the details of 11 bank accounts were disclosed. He submitted that if the

Applicant is not having any earning, how so much amount is deposited in those bank accounts.

9. Learned Advocate for the Applicant submitted that there is no material that the present Applicant has directly called those victims. There is no material to show that from their bank accounts, the amount is transferred directly to the bank account of this Applicant. He contended that by duping the Applicant, his bank accounts were simply used for the purpose of deposit and withdrawal. Accused No.1 – Prakash Singh is granted bail by the Court of Additional Sessions Judge – Kalyan as per the order dated 3rd March, 2021. It is placed on record.

10. It is true that there is no material pointed out to show that the Applicant is directly interacted with those victims. He comes into picture when the amounts are transferred in his bank accounts. It is difficult to digest that the Applicant is unaware of these transactions. Merely by saying that he is not directly interacted with those victims, he cannot claim ignorance. How a person can allow others to use his bank accounts just for getting partly sum.

11. It seems that by using this *modus operandi*, various persons even from outside Maharashtra are deceived. At present, the present

Applicant is arrested in the offence registered with Manpada Police Station. The bank accounts belonging to the Applicant are frozen. The Applicant is behind bar for more than two years. Charge-sheet is filed. So, as the position stands, I do not think that he can be detained anymore. One does not know when the trial will begin. If involvement of the present Applicant is disclosed in other offences, law will take its own course. He is resident of State of Uttar Pradesh. He can be asked to furnish local surety. Hence, order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant – Ranjeet Kumar Vishwakarma be released on bail in connection with C.R. No. 291 of 2020 registered with Manpada Police Station – District : Thane City for the offences punishable under Section 420 of IPC and Section 66-D of IT Act, on furnishing personal bond and surety bond of Rs.50,000/-.
- (iii) Applicant is directed to give attendance to Manpada Police Station – District : Thane City on first Monday of every month from 10.00 to 12.00 noon for one year.
- (iv) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (v) Applicant is directed to furnish surety who is having residence in Kalyan Taluka.
- (vi) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.

12. These are my prima facie observations. Let the learned trial Court need not be influenced by them.
13. Application is disposed of in the aforesaid terms.
14. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]