

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2034 OF 2022

WITH

INTERIM APPLICATION NO. 3754 OF 2022

Vinayak Pravinkumar Mehta

... Applicant

V/s.

State of Maharashtra

... Respondent

.....
Mr. Vivek K. Gupta, Advocate, for Applicant.

Ms. Anamika Malhotra, APP for Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 11th SEPTEMBER 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. 3 of 2021 registered with Azad Maidan Police Station, Mumbai under Sections 420, 507 read with 34 of Indian Penal Code (for short "IPC") and under Sections 66(D) and 66(D) of the Information Technology Act (for short "IT Act").

2. It is the prosecution's case that Applicant was induced by co-accused to invest the amount in share market, they had assured the Applicant that he will get good returns but Applicant was cheated.

Hence he lodged complaint against them. In investigation, name of Applicant was added in the crime.

3. It is the contention of learned Counsel for the Applicant that in the complaint no role attributed to the Applicant. The said fact indicate that, Applicant has been falsely implicated in the crime. Learned Counsel for the Applicant further submitted that the amount of Rs.17,85,000/- was obtained from the complainant by co-accused and the said amounts were maintained by Mr. Mahendra, accused No.3 and Mr. Monu Verma, accused No.1. Applicant has not obtained any amount by investing the amount and thereby causing loss to him. The co-accused are released on bail by this Court and Sessions Court, hence requested to allow the Application.

4. Learned APP submitted that, Applicant has an antecedents of similar nature of crimes. Earlier, he was involved in such types of crime. The amounts received from the complainant was distributed amongst co-accused and the Applicant. There is involvement of the Applicant in this crime and he is the person who prepared the link in which complainant had invested the amount. It shows the involvement of the Applicant in the crime. If Applicant is released on bail, he may threaten or he may abscond. Hence, requested to reject the Application.

5. I have heard both the learned Counsel.
6. Perused the FIR and charge-sheet. Admittedly, in FIR name of Applicant is not mentioned. Accused No.1 and other accused whose names are mentioned in FIR have been released on bail. Considering these facts, no further detention of Applicant is required.
7. In view of above, I pass following Order:

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 3 of 2021 registered with Azad Maidan Police Station, Mumbai, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
8. The Application is allowed in the aforesaid terms and is accordingly disposed off.
9. In view of the disposal of the Application, Interim Application No. 3754 of 2022 is also disposed off.
10. All concerned to act on the authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

SONALI
SATISH
KILAJE

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by SONALI
SATISH KILAJE
Date:
2023.09.16
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