Sayali Upasani

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.- 326 OF 2024

Dolly Makhija @ Dolly Pankaj Kalra ... Applicant

Vs.

The State of Maharashtra ...Respondent

SAYALI DEEPAK UPASANI
Digitally signed by SAYALI DEEPAK UPASANI
Date: 2024.03.07 14:59:38 +0530

Mr. Sunil Pandey with Mr. Raju Mandal i/b Priyanshu Mishra, for Applicant.
Mr. Shailesh Suresh Ghag, APP for State.
Mr. Mangesh M. PI, West Region Cyber Police Station, Present.

CORAM:- N. J. JAMADAR, J.
DATED:- 6th MARCH, 2024

PC:-

1) Heard the learned Counsel for the applicant and the learned APP for the State.

2) This application is preferred for bail in connection with CR No. 7 of 2022, registered with Cyber Police Station, Mumbai, for the offences punishable under Sections 120B, 419, 420, 465, 468 and 471 of the Indian Penal Code, 1860 and Sections 66 (C) and 66 (D) of Information Technology Act, 2000.

3) The indictment against the applicant and the co-accused Vicky Makhija is that since March 2021, the applicant and the co-accused, in pursuance of a criminal conspiracy, induced the first informant to part with a sum of Rs.1,31,40,285/- by making a false representation that if the amounts were invested in the accounts, indicated by the applicant, the first informant would get lucrative returns as the said amount would be invested in gold, silver and other commodities.

4) The learned Counsel for the applicant submitted that the applicant has no role in the alleged fraud. As is evident, from the prosecution case, the amounts were credited to the account of RICHCAP FINANCIAL SERVICES PRIVATE LIMITED, of which the co-accused – Vicky was a Director. The applicant was working as the Secretary in the said Company. She is not a beneficiary of the alleged fraud.

5) The learned APP resisted the prayer for bail.

6) Prima facie, it appears that the amounts were credited to the accounts of RICHCAP FINANCIAL SERVICES PRIVATE LIMITED. The learned APP, on instructions of the Investigating Officer, submits that a sum of Rs.4,00,000/- was credited to an account which appeared to be that of the applicant and the same has been frozen.

7) Prima facie, the applicant does not appear to be a beneficiary of the alleged fraud. In any event, investigation is complete. Charge-sheet has been lodged. The applicant has been in custody since 10th July, 2023. The applicant is a woman. Thus, having regard to the role attributed to the applicant, further detention of the applicant seems unwarranted.

8) I am, therefore, inclined to release the applicant on bail.

9) Hence, the following order.

: O R D E R :

(i) The application stands allowed.

(ii) The applicant be released on bail in CR No. 7 of 2022, registered with Cyber Police Station, Mumbai, for the offences punishable under Section 120B, 419, 420, 465, 468 and 471 of the Indian Penal Code, 1860 and Sections 66 (C) and 66 (D) of Information Technology Act, 2000, on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.

(iii) The applicant is permitted to furnish cash security of Rs.30,000/- in lieu of surety, for a period of four weeks.

(iv) The applicant shall mark her presence at the Cyber Police Station, Mumbai, on the first Monday of every month between 10.00 am to 12.00 noon for a period of two years or till the conclusion of the trial, whichever is earlier.

(v) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the witnesses and any of the persons acquainted with the facts of the case.

(vi) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial court shall not be influenced by any of the observations made hereinabove.

[N. J. JAMADAR, J.]