

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.965 OF 2023

**VISHAL
SUBHASH
PAREKAR**

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Mohammed Jabbir Mohammed Nuruddin	vs.	...Applicant
The State of Maharashtra		...Respondent

Mr. Omar Shaikh a/w. Mr. Ansari Shahzal, for the Applicant.
Mr. Tanveer Khan, APP, for the Respondent/State.
Mr. Rahul Deshmukh, PI, EOW, Unit - 8.

CORAM : N. J. JAMADAR, J.
DATE : MARCH 28, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. The applicant who is arraigned in C.R. No. 14 of 2022 registered with EOW, Unit-8, Mumbai for the offences punishable under sections 419 and 420 read with 34 of Indian Penal Code, 1860 and sections 66C and 66D of Information Technology Act, 2000 seeks to be enlarged on bail.
3. The indictment against the applicant and co-accused Amitkumar Singhal and absconding accused Imran Riyaz and others is that they had induced the first informant Robert Kannor to invest an amount of Rs. 3,67,251/- by making a false representation that he would earn lucrative returns on the said investment in Bitcoin and thereby deceived him. The investigation has further revealed that the first informant and nine investors were defrauded to the tune of Rs. 23,56,251/-.

4. At the outset, the learned counsel for the applicant submitted that the co-accused Amitkumar Singhal who had allegedly floated the company Tuvinta Solutions, and in the account of which the investors were induced to credit huge amount, has been released on bail by the Court of Session. The role attributed to the applicant is that of having received Rs. 71,10,000/- in his account and, thereafter, the said amount to the account of absconding accused Imran Riyaz, while retaining Rs. 12 lakhs.

5. I have perused the report under section 173 of the Code and the documents annexed with it. I have also perused the order passed by the learned Sessions Judge releasing the co-accused Amitkumar Singhal on bail.

6. Prima facie, the allegations against Amitkumar Singhal appear to be far grave. It is inter alia alleged that the transactions worth Rs. 16,15,28,079/- were noticed in the bank account of the said accused. In any event, the applicant has been in custody for more than two years. Having regard to the punishment which the offence under 420 of the Penal Code entails and the fact that the co-accused has been released on bail, further detention of the applicant does not seem warranted.

7. I am, therefore, inclined to exercise discretion in favour of the

applicant.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The applicant Mohammed Jabbir Mohammed Nuruddin be released on bail in C.R. No. 14 of 2022 registered with EOW, Unit-8, Mumbai, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.
- 3] The applicant shall mark his presence at EOW, Unit-8, Mumbai on the first Monday of every month between 11 am to 1 pm for a period of three years or till conclusion of the trial whichever is earlier.
- 4] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.
- 5] 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.
- 6] The applicant shall regularly attend the proceedings before the jurisdictional Court.

7] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the 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.

Application disposed.

(N. J. JAMADAR, J.)