

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1251 OF 2024

Premasagar Putr Ramsarup	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Dilip Shinde a/w. Mohan C. Kumbhar, for the Applicant.
Mr. Prashant Jadhav, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : MARCH 26, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. The applicant who is arraigned in C.R. No. 89 of 2023 registered with N.M. Joshi Marg police station for the offences punishable under sections 419 and 420 of Indian Penal Code, 1860 and sections 66(c) and 66(d) of Information Technology Act, 2000 seeks to be enlarged on bail.
3. The allegations against the applicant and the co-accused are that in pursuance of conspiracy, the co-accused had contacted the first informant - Shradha and by making a false representation that she would have the benefits of City Bank Diners Club Card, she was induced to share her credentials and on the basis of the said personal information, the accused purchased gold coins worth Rs.3,00,000/- at Tanishq - Chennai,

by net banking. Thereafter, the said gold coins were sold to other jewelers and thereby the first informant was duped. The role attributed to the applicant is that of providing a sim card, which was misused to make the call to the first informant and commit the offences.

4. The learned counsel for the applicant submits that the said sim card No 8808569497 does not stand in the name of the applicant. The investigation has revealed that the said number, stands in the name of another person. The applicant has been in custody since 13th April, 2023. Hence, the applicant may be released on bail.

5. The learned APP for the State resisted the prayer. He submitted that the applicant was equally complicit in the fraud.

6. I have perused the report under Section 173 of the Code of Cr.P.C. Prima facie it appears that the investigating agency has found that the mobile No. 8808569497 stands in the name of one Aditya. It is not the prosecution case that the applicant is the beneficiary of the defrauded amount. The applicant is in custody since 13th April, 2023 and the trial may not be concluded in the near future. Thus, having regard to the role attributed to the applicant and the punishment which the offences entail, I am inclined to exercise discretion in favour of

the applicant.

7. Hence, the following order.

ORDER

- I] The application stands allowed.
- II] The applicant be released on bail in C.R. No. 89 of 2023 registered with N.M. Joshi Marg police station, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.
- III] The applicant shall mark his presence at N.M. Joshi Marg police station on the first Monday of every alternate month between 11 am to 1 pm till conclusion of the trial.
- IV] 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.
- V] 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.
- VI] The applicant shall regularly attend the proceedings before the jurisdictional Court.
- VII] 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 stands disposed.

(N. J. JAMADAR, J.)