

Sayali Upasani

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

BAIL APPLICATION NO. 1366 OF 2024

Vishwas Vijay Shetye

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Sandeep R. Karnik for Applicant.

Mr. Shailesh Suresh Ghag, APP for State/Respondent.

Mr. Hanuman Sawase, PSI, Byculla Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 2nd APRIL, 2024

**SAYALI
DEEPAK
UPASANI**

Digitally signed by
SAYALI DEEPAK
UPASANI

Date: 2024.04.04
10:02:30 +0530

PC:-

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

2) The applicant, who is arraigned in CR No. 468 of 2023, registered with Byculla Police Station, for the offences punishable under Sections 419 and 420 of the Indian Penal Code, 1860 and Sections 66 C and 66 D of the Information Technology Act, 2000, has preferred this application to enlarge him on bail.

3) The first informant, who was searching for employment was approached and by an unknown person purportedly representing *eSky Team 1315 o Customer service-17*. The first informant was represented that she would be provided employment. By making such inducement the first informant was given a certain task and eventually the first informant was duped to the tune of Rs.6,68,764/-. The first informant lodged report against unknown persons.

4) During the course of investigation, it transpired that the first informant was made to transfer the amount in nine accounts; out of which, one account i.e. account No.148805500197, maintained at ICICI Bank stood in the name of M/s. Vision Marketing, the firm of the applicant. A sum of Rs.54,083/- was transferred to the said account. It further transpired that the applicant had given the credentials of the said account, including the cheques, to absconding accused Navaj Mirza and Shahid Shaikh.

5) The learned Counsel for the applicant submitted that the only role attributed to the applicant is that of having received a sum of Rs.54,083/- in the said account. Since the prosecution itself alleges that the applicant had delivered the credentials and

the cheque in respect of the said account to the co-accused, the applicant cannot be fastened with the liability for the alleged cheating. In any event, it is not the case that the applicant had made any false representation or induced the first informant to credit the amount to the said account.

6) The learned APP resisted the prayer for bail. It was submitted that the offences were committed in pursuance of a criminal conspiracy. The investigation has revealed that the transactions in excess of Rs.1 Crore have been recorded in the account of the applicant. Therefore, the applicant does not deserve to be released on bail.

7) Evidently, the first informant was induced to part with the amount by unknown persons, who operated the telegram account of *eSky Team 1315 o Customer service-17*. The complicity of the applicant is sought to be established on the basis of the credit of the amount of Rs.54,083/- in the account of the applicant. Though the prosecution alleges that there were transactions in excess Rs.1 Crore in that account yet the amount, of which the first informant was defrauded, is pegged at Rs.6,68,764/-. Investigation qua the applicant seems to be

complete. Charge-sheet has been lodged. The applicant has been in custody since 16th November, 2023.

8) Having regard to the punishment which the offence under Section 420 entails, further detention of the applicant does not seem warranted. I am, therefore, inclined to exercise discretion in favour of the applicant.

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. 468 of 2023, registered with Byculla Police Station, for the offences punishable under Sections 419 and 420 of the Indian Penal Code, 1860 and Sections 66 C and 66 D of the Information Technology Act, 2000, on furnishing a P.R. Bond in the sum of Rs30,000/- 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 in lieu of surety for a period of four weeks.

(iv) The applicant shall mark his presence at Byculla Police Station Police Station on the first Monday of every alternate month between 10.00 am to 12.00 noon for a

period of two years or till conclusion of trial, whichever is earlier.

(v) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant 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.]