

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2339 OF 2023

Nandkumar Chandrasekar Muppala ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Pravin Gaikwad a/w. Mr. Vashisth Aroraa nd Mr. Shahrukh
Shaikh, for the Applicant.
Mrs. Geeta Mulekar, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : JANUARY 31, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned
APP for the State.

2. This is an application for bail. The applicant 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 section 66C and 66D of Information
Technology Act, 2008.

3. Smt. Shraddha Bhure, the first informant is the Director of a
multinational pharmaceutical company. During the period from 3rd
January, 2023 to 21st February, 2023, one person, who identified
himself as Saurabh Sharma, made calls representing that he was a
Relationship Manager of Citi Bank Diners Club Cards and induced
her to share her credentials on a link forwarded and thereby she
was defrauded of an amount of Rs. 3 lakhs by operating her account

maintained with Deutesche Bank, Bandra Kurla Complex, through net banking.

4. During the course of investigation into a cyber fraud matter, the applicant was apprehended at Chennai. It transpired that the applicant had gone to collect the gold coins from a Tanishq outlet at Chennai, which were purportedly purchased out of the amount which the first informant was defrauded.

5. The learned counsel for the applicant submitted that there is no material to connect the applicant with the alleged fraud. On the own showing of the prosecution, out of the said defrauded amount, a sum of Rs. 13,000/- only, has been paid to the applicant. The applicant is in custody since 12th April, 2023. Investigation is complete. Therefore, the applicant be released on bail.

6. The learned APP resisted the prayer for bail. It was submitted that the applicant and the co-accused have resorted to different modus operandi to defraud a number of persons. Inviting the attention of the Court to the transcript of the conversation between the applicant and the accused No. 1 John David @ Raju which took place at the very time when the bank account of the first informant was fraudulently operated to withdraw the sum of Rs. 3 lakhs, the learned APP submitted that the applicant does not deserve to be released on bail. It was further urged that three more crimes have

been registered against the applicant. Refuting the contention on behalf of the applicant that only a sum of Rs. 13,000/- was credited to the account of the applicant, it was urged that an amount of Rs. 25,000/- was also paid to the applicant.

7. I have carefully perused the report under section 173 of the Code of Criminal Procedure and the documents annexed with it. In the gist of the allegations the investigating officer claimed, the applicant was allegedly paid a sum of Rs. 13,000/- out of the amount of Rs. 3 lakhs, of which the first informant was defrauded. The offence punishable under section 420 entails punishment which may extend to seven years. The applicant is in custody since 12th April, 2023. Investigation seems to be practically complete. Further detention of the applicant does not seem to be warranted.

8. So far as the registration of the crime against the applicant, it was submitted on behalf of the applicant that those crimes were registered after the applicant came to be apprehended in this crime. In two of the crimes, the applicant is released on bail. In the third, the learned Additional Session Judge has granted pre arrest bail.

9. The question as to whether the applicant was a privy to the fraud allegedly perpetrated by accused No. 1 or has innocently acted at the behest of accused No. 1 as claimed by the applicant, would be a matter for adjudication at the trial. Having regard to the

nature of the accusation, the punishment which the offence entails and the period of incarceration, I am inclined to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] 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, to the satisfaction of the learned Magistrate.
- 3] The applicant shall mark his presence at N.M. Joshi Marg police station on the first Monday of every month in between 11 am to 1 pm till conclusion of the trial.
- 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.)