

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3678 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Sandeep Kumar Laltaprasad ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Manoj Kumar Tiwari, a/w Pratik Molasi, Sejal Nalawade
and Gunjan Surana, for the Applicant.
Mr. S. R. Aagarkar, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 25th JANUARY, 2024

ORDER:-

1. Heard the learned Counsel for the parties.
2. By this application under Section 439 of the Code of Criminal Procedure, 1973 ("the Code"), the applicant, who is arraigned in CR No.20 of 2022 registered with Cyber Police Station, Mumbai, for the offences punishable under Sections 120B, 419, 420, 465, 467, 468, 471 and 506 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code") and Section 66(D) of the Information Technology Act, 2000, seeks to be enlarged on bail.
3. The indictment against the applicant and the co-accused is that Suresh Dama, the first informant, was

induced to part with huge amount by making a false representation that if he surrendered the policy of Bharati Axa Life Insurance, the first informant would get a sum of Rs.7,70,93,028/-. The first informant was allegedly repetitively called from different numbers and false and fabricated documents were sent by unknown persons to make the first informant believe the false representations. The first informant was thereby induced to part with a sum of Rs.4,39,57,532/-.

4. The learned Counsel for the applicant submitted that the role attributed to the applicant is that of being the person in whose account the monies were credited. The principal accused Anjukumar Sah has been granted bail by the Court of Session. The account extract of the applicant would indicate that the amount which came to be credited to the account of the applicant was immediately transferred to the account of Anjukumar Sah, the principal accused, who has been released on bail. Attention of the Court was invited to the statement of account of the applicant (page Nos.386 to 412 of the application). *Prima facie* it appears that the amount which was credited to the account of the applicant was transferred immediately.

5. In any event, the investigation seems to be practically complete. The applicant is in custody since 14th January, 2023. Further detention of the applicant does not seem warranted as the co-accused Anjukumar Sah, who is stated to be the principal accused, has been released on bail. I am, therefore, inclined to exercise the discretion in favour of the applicant.

6. Since the applicant is stated to be the resident of Delhi, I deem it appropriate to impose stringent conditions.

7. Hence the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) The applicant Sandeep Kumar Laltaprasad be released on bail in CR No.20 of 2022 registered with Cyber Police Station, Mumbai, on furnishing a P.R. Bond of Rs.1,00,000/- with one or more sureties in the like amount.
- (iii) The applicant shall mark his presence at the Cyber Police Station on the first Monday of every alternate month in between 10.00 am. to 12.00 noon for a period of two years or till the framing of the charge, whichever is earlier.
- (iv) The applicant shall not tamper with the prosecution

evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) On being released on bail, 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.]