

3. In this case, the charge-sheet is filed against the arrested accused. The prosecution case is that on 10.8.2023, the police officers received information that one unauthorized Call Center was being conducted within the jurisdiction of Sahar police station. The police officers arranged to conduct a raid. One Cyber Crime Expert and some Computer Experts were taken with them for the purpose of raid. The raiding party reached the premises known as “Mittal Commercial”, Hasan Pada Road, Marol, Andheri (East), Mumbai at 11.00 p.m. on 10.8.2023. When the police party entered, they saw that about thirteen persons were present in one room. The police made inquiries with them. One Atiqu Akabar Ali Rehman told them that he was one of the employees in that Call Center and he used to converse with the customers from Canada by using name as ‘Ranveer Singh’. He told the police officers that the present Applicant is the owner of the Call Center. This employee was working in the Call Center at Delhi. He was told by the Applicant that he should go to Mumbai for two months to work in the Call Center in Mumbai.

Their food and lodging would be taken care of. Thus, six employees from Delhi were working in the concerned Call Center at Mumbai. The police officers were told that the *modus operandi* was that the employees from this Call Center used to accept phone calls from the foreign customers for booking their air-tickets. For some time the air-tickets were actually kept on hold. The customers were asked to pay the amount through internet transactions. Once the amount was received, it was not forwarded to the Air Companies, but, they were transferred to various fraudulent bank accounts. After that the tickets which were kept on hold were released without booking. Hence, those foreign customers used to lose money. There was no trace of this Call Center and, therefore, there were no complaints.

4. The Applicant's brother Mridul Joshi was also found at the premises. He accepted that he was conducting the business by the name 'Accept Express Limited' and there were 12 employees working under him. He also confirmed about the *modus operandi*. The other employees confirmed

the same. The laptops and other gadgets were observed. The WhatsApp conversation of these employees were preserved on screen-shots. The investigation revealed that the routers used for that Call Center were in the name of the present Applicant. The owner of the premises Nandlal Singh informed the investigating agency that while executing the agreement for rent the Applicant himself and two others had approached him and the agreement was entered in the name of one Sachin. The mobile phones and hard-drives were seized.

5. Learned counsel for the Applicant submitted that the Applicant was not concerned with the said Accept Express Limited. Learned counsel relied on the information regarding that company obtained on 19.12.2023 from the Ministry of Corporate Affairs. It showed that the Applicant's brother Mridul Joshi, one Sachidanand Pandey and Pramod Tiwari were the Directors on that date.

6. Learned counsel relied on the resignation letter dated 20.3.2023 showing that the Applicant had resigned as the Director of the said company w.e.f. 20.3.2023. Therefore,

according to learned counsel for the Applicant he had no connection whatsoever with the company.

7. He further submitted that the Applicant has not received any amount. The money-trail does not lead to the present Applicant. The Applicant is roped in only because his brother Mridul Joshi was found at the spot who was running the Call Center.

8. Learned APP opposed these submissions and she has produced the investigation papers before me. The investigation conducted revealed that there were regular WhatsApp messages exchanged between the Applicant and his brother Mridul Joshi. These messages were in respect of the transactions which had taken place throughout the day. Thus, the Applicant's brother Mridul Joshi was reporting to the Applicant regarding the entire business.

9. Learned counsel for the Applicant tried to submit that there is no connection with these WhatsApp messages and the present Applicant. However, learned APP submitted that

the investigation has revealed that the WhatsApp messages were between the Applicant and his brother. She, therefore, submitted that considering the evidence available and the scope of offence, custodial interrogation of the Applicant is absolutely necessary.

10. I have considered these submissions and I agree with the submissions made by learned APP. The investigation carried out at the time of raid speaks for itself. An illegal Call Center was conducted and the customers from the foreign country were cheated for big amounts. All this evidence is available with the investigation which is forming part of the charge-sheet. The persons present at the spot, who were arrested in the offence, have explained in detail how the Call Center was run. At this stage of consideration of anticipatory bail application, there is sufficient material against the Applicant necessitating his custodial interrogation.

11. The WhatsApp chats between the Applicant and his brother is a very strong incriminating circumstance. There are employees sent by the Applicant from his Delhi Call Center

to Mumbai Call Center. The premises was taken by the Applicant on rent as is reflected during investigation made with the owner of the premises. The routers were in the Applicant's name. Therefore, there is direct connection of the Applicant with the business of running of this Call Center.

12. Considering all these aspects, the Applicant's custodial interrogation is absolutely essential. The offence is serious. Therefore, no case for grant of protection under Section 438 of Cr.PC. is made out. The Application is rejected.

Pradip Kumar
Prakash Rao
Deshmane

Digitally signed
by
Pradip Kumar
Prakash Rao
Deshmane
Date:
2024.01.23
14:52:44 +0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)