

Anoop Murali Verma	...	Applicant
versus		
The State of Maharashtra and Anr.	...	Respondents

Mr. Ujjwal Gandhi, for Applicant.
Mr. H.J.Dedhia, AP for State.

CORAM: N.J.JAMADAR, J.

DATE : 21 OCTOBER 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant, who has been arraigned in C.R.No.271 of 2022 registered with Turbhe Police Station along with his brother Suraj Murali Verma and Abdul Aziz Firozabadi and Sajid Jalil Sayyed, for the offences punishable under Sections 419, 420, 465, 468, 471, 201 read with Section 34 of the Indian Penal Code, 1860, Sections 66C and 66D of the Information Technology Act, 2000 and Sections 4, 20, 21 and 25 of the Indian Telegraph Act, 1885, has preferred this application to enlarge him on bail.
3. The gravamen of indictment against the applicant is that the applicant and his brother Suraj had started a data center under the name and style of M/s. Global Enterprises, installed a server at Mahape, Navi Mumbai, and obtained Session Initiation Protocol (SIP Trunking) connection from Vodafone, a telecom service provider, and illegally routed the international VOIP calls

and thereby deceived the government. The applicant and co-accused have allegedly caused notional wrongful loss to the government to the tune of Rs.2,67,36,949/-. The alleged acts of the applicant and the co-accused also posed threat to internal security of the State.

4. Mr. Gandhi, learned Counsel for the Applicant, at the outset, submitted that the applicant is entitled to be enlarged on bail on the ground of parity as Abdul (A3) and Sajid (A4), against whom more grave allegations have been made, have been enlarged on bail. The only role attributed to the applicant is that he had acted as an estate broker in securing the premises on leave and licence basis. The applicant has no concern with M/s. Global Enterprises. For the only reason that the applicant is the brother of Suraj, proprietor of M/s. Global Enterprises, the applicant has been roped in.

5. Learned APP resisted the prayer for bail. Attention of the Court was invited to the statements of the witnesses to the effect that the applicant had approached them to let out the premises where illegal data centers were allegedly operated. It was further submitted that incriminating documents were found in the house search of the applicant. Mr. Dedhia, learned APP, further submitted that the applicant has been arraigned in an identical offence registered at Gorakhnath Police Station, Dist. Gorakhpur, Uttar Pradesh. Therefore, the applicant does not deserve to be enlarged on bail.

6. I have perused the report under Section 173 of the Code of Criminal

Procedure, 1973 and the documents annexed with it. Prima facie, it appears that Suraj (A1), brother of the applicant, is the proprietor of M/s. Global Enterprises, in whose name SIP trunking connection was obtained. At the same time, there is material to indicate that the applicant had approached the witnesses and played a role in obtaining the premises on leave and licence basis where illegal data centres were allegedly operated.

7. Nonetheless, the fact that the applicant has been in custody since 22 October 2022 cannot be lost sight of. The offences are triable by the Magistrate. The applicant has been in custody for almost two years. In the backdrop of the nature of the accusation, the number of witnesses the prosecution may be required to examine, the evidence the prosecution may be required to adduce and the fact that the charge has yet not been framed, it is extremely unlikely that the trial can be concluded within a reasonable period. None of the offences for which the applicant has been arraigned entails punishment of imprisonment exceeding 7 years. The Court would be thus justified in exercising discretion to enlarge the applicant on bail.

8. The apprehension on the part of the prosecution that the applicant may flee away from justice and again indulge in identical offences can be taken care of by imposing stringent conditions :

9. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The Applicant – Anoop Murali Verma be released on bail in C.R.No.271 of 2022 registered with Turbhe Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two local sureties in the like amount to the satisfaction of the trial Court.
- (iii) The applicant shall mark his presence before Turbhe Police Station on first Monday of every month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, 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) The applicant shall not indulge in identical activities for which he has been arraigned in this case.
- (vi) 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.
- (vii) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (viii) Within two weeks of release of the applicant, he shall file an

undertaking before the jurisdictional court to abide by the aforesaid conditions.

(ix) 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.)