

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

Anticipatory Bail Application No.2046 of 2024

Madhusudan Maheshwari

Aged 35 years, Occupation: Service,
Hindu Adult Indian Inhabitant of
Jodhpur Rajasthan, Residing at Galli
No.1, Rambag, Lakh ji ka Hatha,
Behind Sumer School, Mahamandir,
Jodhpur, Rajasthan 342001

...Applicant

v/s.

State of Maharashtra, through West
Cyber Police Station, Crime Branch
Mumbai, B.K.C., Bandra (E),
Mumbai – 400 051

...Respondent

Mr Sushil Mishra, a/w. Mr Arun Dubey and Ms Sweta Singh,
for the Applicant.

Mr Amit A Palkar, APP, for Respondent State.

PI Savita Mali, West Cyber (Mumbai) Police Station, is
present.

Coram: R.N. Laddha, J.

Date: 30 September 2024

P.C.:

The applicant has preferred this application seeking pre-

arrest bail in CR No.12 of 2024, registered with West Region Cyber Police Station, Crime Branch, Mumbai, for offences punishable under Sections 406, 419, 420, 465, 467, 468, 471 and 120-B read with 34 of the Indian Penal Code, and Section 66D of the Information Technology Act, 2002.

2. The informant, an authorised representative of IndusInd Bank, claims that after issuing 34 credit cards, the card holders raised the credit card limits by making fraudulent purchases from various international merchants. An internal investigation revealed that no funds were actually transferred to these merchants and these credit card holders did not pay the credit card dues, amounting to Rs. 4,47,78,000/-, thereby defrauded the bank.

3. Mr Sushil Mishra, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant is a licensed retail service provider of Instant Mudra, an App which allows credit card holders to transfer funds from the credit card to their bank account. The applicant is not the beneficiary or recipient of the funds. Mr Mishra highlights that the applicant is not

named in the FIR, and has attended the concerned police station and cooperated with the investigation by providing the necessary documents. Further, the applicant's custody is unnecessary as the investigation has concluded, and a charge sheet has been filed. The applicant is willing to adhere to any conditions imposed by this Court.

4. At the outset, Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, on instructions from the investigating officer present in the Court, acknowledges that the applicant has attended the Police Station and cooperated with the investigation. Furthermore, with the investigation now concluded and the charge sheet filed against the co-accused, the prosecution does not seek the applicant's custody. However, the learned APP submits that if the Court is inclined to grant anticipatory bail to the applicant, appropriate conditions may be imposed.

5. Upon perusing the records, the applicant appears to be the licensed retailer of Instant Mudra. The material on record does not suggest that the applicant benefited from the transactions or received any funds. The learned APP confirms

that the applicant has attended the police station and cooperated with the investigation, which is now complete; therefore, his custody is not required. Moreover, the co-accused have already been released on bail. The prosecution's apprehension about evidence tampering and witness influence can be addressed by imposing appropriate conditions. Given these circumstances, this Court is inclined to grant the relief of pre-arrest bail to the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in CR No.12 of 2024, registered with West Region Cyber Police Station, Crime Branch, Mumbai, the applicant shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing two or more sureties in the like amount.

- (ii) The applicant shall attend the concerned Police Station as and when required.

(iii) The applicant, himself or through any other person, shall not indulge in any activity that may tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)