IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2091 OF 2024

Tushar Suresh Ghuge ... Applicant
Versus
The State of Maharashtra ... Respondent

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Adv. S. K. Rai a/w Sushil S. Shilwant and Tanmay Jadhav for the Applicant.
Mr. R. M. Pethe, APP for Respondent-State.
Mr. Angat Nemane, PSI, Chaturshringi Police Station, Pune.

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CORAM: MANISH PITALE, J.
DATE : 21st AUGUST 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. On last occasion, the application was adjourned to enable the learned APP to take further instructions, so as to demonstrate material linking the applicant with the offences in question.

3. In the present case, the applicant is apprehending arrest in connection with FIR No. 0626 of 2023 dated 6th September 2023 registered at Chaturshringi Police Station, Dist. Pune, for offences under Sections 420 and 419 read with 34 of the Indian Penal Code, 1860 (IPC) and Section 66D of the Information Technology Act, 2000 (IT Act).

4. The FIR was registered against unknown persons and grievance of the informant was that she was duped of huge amount of money on a false promise of earning handsome returns on certain amounts transferred to a specified account. The informant claims that she was reached on a *WhatsApp* number with an offer of a part-time job and she was lured into taking interest in the same. Initially, she was asked to visit certain *YouTube* links and to give "likes" to a particular item and for each like she was to earn Rs.50/-. Initially certain amounts in that regard were indeed transferred to her, due to which she developed faith and eventually, she was lured into investing amounts for handsome returns, only to find out later that she had been duped.

5. The learned counsel for the applicant submits that in the present case, the FIR does not name any accused person. The only link sought to be established by the investigating authority is on the basis of the statement made by the co-accused person upon his arrest. Other than the aforesaid material, there is nothing to link the applicant to the incidents in question.

6. On the other hand, the learned APP opposed the present application and submitted that the documents that have come on record during the course of investigation, do link the applicant with the main accused person and the *modus operandi* adopted in the present case to dupe innocent persons like the informant.

7. In this regard, attention of this Court was invited to

messages exchanged between the applicant and the co-accused person, who has been arrested and it was submitted that upon following up such material, it came to light that one of the mobile numbers being used in the entire process indeed showed KYC details of the applicant before this Court. It was submitted that bank accounts of poor persons were utilized by giving them allurement of earning some money, in order to give effect to the aforesaid *modus operandi* of duping innocent investors.

8. This Court has perused the entire material on record, as also certain documents tendered by the learned APP, during the course of arguments. The documents on record show that certain messages on the app *Telegram* were regularly exchanged between the applicant and the arrested accused person. In fact, it appears that details of certain bank accounts and transaction details were forwarded from a number saved as POPO and such vital information was forwarded to the co-accused person, who was arrested. The KYC details of that number show that it was registered in the name of the applicant. Faced with this situation, the learned counsel for the applicant submitted that the applicant was an employee of the main accused person and that the applicant himself could be said to be a victim. It was sought to be explained that the messages on the said app were sent to the main accused person, who was arrested, as it was part of the job of the applicant to do so. It is submitted that the applicant was in the employment of the main accused person only for a few days and

therefore, the aforesaid material can be of no consequence.

9. In the first place, there is no document to support the theory of the applicant that he was employed by the main accused person. In the face of the KYC details coming to the fore, indicating that the specific number pertaining to the said POPO was indeed registered in the name of the applicant, it was sought to be explained that merely transferring details of bank accounts cannot be said to be incriminating material, particularly when there is nothing to show that the applicant was a beneficiary in the present case.

10. This Court is of the opinion that in such cases, where apps/social media and technology are used for giving effect to such nefarious activities, it cannot be said that mere exchange of messages of forwarding of details of some bank accounts can be of no consequence. In fact, apart from the aforesaid mobile number, there is another mobile number, which according to the investigating authority is attributable to the applicant. From the said number also, such crucial details of bank account numbers of the individuals were forwarded to the main accused persons.

11. In such a situation, the explanation sought to be given on behalf of the applicant that he was merely in the employment of the main accused person, is not acceptable.

12. Considering the investigation papers brought to the notice

of this Court by the learned APP, there is material to *prima facie* link the applicant with the co-accused person and the *modus operandi* adopted in the present case. No case is made out for granting anticipatory bail.

13. The application is dismissed.

14. Needless to say, observations made herein are limited to the question of deciding the present anticipatory bail application and the said observations shall not influence any further proceedings concerning the applicant.

MANISH PITALE, J.