IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2744 OF 2024

Harish Babujalji Jain ...Applicant

Versus

The State of Maharashtra ...Respondent

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- None for the Applicant.
- Mr. Tanveer G. Khan, APP for Respondent.
- Mr. Pravin B., PSI, Cyber Police Station, Pune.

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CORAM : MANISH PITALE, J.
DATE : 11th OCTOBER, 2024.

SHRIKANT SHRINIVAS MALANI

Digitally signed by SHRIKANT SHRINIVAS MALANI
Date: 2024.10.11 19:40:53 +0530

P. C. :

1. This application was heard for some time yesterday when contentions were raised as regards the role of the applicant in the facts and circumstances of the present case.

2. The FIR in the present case bearing No.0091 of 2023, was registered on 27.06.2023, at Pune City Cyber Police Station, District Pune, for offences under Sections 419 and 420 read with Section 34 of the Indian Penal Code, 1860 (IPC) and Section 66(D) of the Information Technology Act, 2000.

3. This FIR pertained to a cyber fraud where the wife of the informant was duped of a substantial amount of money. She was contacted on her mobile phone and she was told that sitting at home she could earn money

by going on a search engine and giving ratings that would fetch her ₹ 50 for every such task. The statement of the informant gives the details as to the manner in which his wife was defrauded of huge amounts of money.

4. When the application was heard yesterday, it was submitted that the FIR was registered against the unknown persons and there is no material to link the applicant with the present case. He has been shown as accused only because his brother was said to have been involved in the aforesaid cyber fraud.

5. The application was kept today, after taking note of the fact that the FIR was registered as far back as on 27.06.2023 and the applicant was pressing for anticipatory bail after a period of more than 1 year and 3 months.

6. Today when the application is called out for hearing, there is no appearance on behalf of the applicant. The learned APP has referred to the material on record and certain documents are brought to the notice of this Court, that have come to light during the course of investigation. It is found that the statement of the co-accused i.e. the brother of the applicant shows that the applicant was the brain behind the entire cyber fraud. He indulged in forging documents to open bank account in the name of a particular entity.

7. It is not as if only the statement of the co-accused i.e. the brother

of the applicant shows his involvement. It is a matter of record that for similar fraud the applicant is facing prosecution in the State of Gujarat. A reference is made to an order passed by the Gujarat High Court granting regular bail to the applicant after taking note of the fact that the applicant in that case could be said to have benefited to the tune of only ₹ 50,465/-.

8. Since the applicant is pressing for anticipatory bail in respect of the aforementioned FIR, consideration pertaining to the same being different, merely because the applicant was granted regular bail by the Gujarat High Court cannot inure to his benefit. In any case, wife of the informant in the present is said to have been suffered loss to the tune of about ₹ 17,75,000/-. The papers available during the course of investigation show substantial amounts credited into the account of the entity in respect of which the accused, particularly the applicant, are alleged to have created forged and fabricated documents.

9. The applicant has failed to join the process of law for more than 1 year and 3 months and hence, no case is made out for granting anticipatory bail.

10. The application is dismissed.

(MANISH PITALE, J.)