IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2967 OF 2024

Senthur Pandian … Applicant
vs.
The State of Maharashtra … Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 2968 OF 2024

Jenicks Raja … Applicant
vs.
The State of Maharashtra … Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 2969 OF 2024

Mohammed Ibrahim … Applicant
vs.
The State of Maharashtra … Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 2970 OF 2024

Thirupathi Algarsamy … Applicant
vs.
The State of Maharashtra … Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 2971 OF 2024

Mohana Sundaram Perumal … Applicant
vs.
The State of Maharashtra … Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 2972 OF 2024

Veerasarma Anandan … Applicant
vs.
The State of Maharashtra … Respondent

Mr. Shantanu Shetty a/w. Mr. Manohar Shetty for applicants.
Mr. Kiran C. Shinde, APP for respondent-State in ABA/2967/2024.
Mr. Sagar R. Agarkar, APP for respondent-State in ABA/2968/2024.
Mr. Mayur S. Sonawane, APP for respondent-State in ABA/2969/2024.
Ms. Megha S. Bajoria, APP for respondent-State in ABA/2970/2024.
Mr. Bapu V. Holambe-Patil, APP for respondent-State in ABA/2971/2024.
Mr. Prasanna P. Malshe, APP for respondent-State in ABA/2972/2024.
Ms. Deepali Patil, P.I., Cyber Cell, Panvel.

CORAM : MANISH PITALE, J.
DATE : 13th NOVEMBER, 2024

P.C. :

. Heard learned counsel for the applicants and the learned APPs for the respondent-State.

2. The applicants before this Court are directors and employees of WeAlwin Technologies Private Limited, purportedly a company engaged in website designing. All the applicants are apprehending arrest in connection with FIR No.0057 of 2024 dated 11.04.2024, registered at Nhava Sheva Police Station, District Navi Mumbai, initially for offence under Section 66D of the Information Technology Act, 2000. Subsequently, offence under Section 420 read with Section 34 of the Indian Penal Code, 1860, has been added.

3. The informant in the present case, has raised a grievance that he was induced and allured into investing substantial amount of money on a website called Travel Partners. Initially, certain amounts were credited to him for having completed specific tasks. But eventually, when he desired to encash

the total amount of profit earned by him from these tasks as shown on the website, he realized that the said amount to the extent of ₹ 24,31,052/- could not be accessed and/or released in his favour. According to the informant, when he reached out to the person on the mobile app *Telegram*, through whom he had performed the tasks on the website Travel Partners, he was told to contact the user support of the said website for solution. The solution was not forthcoming and therefore, the informant realized that he had been duped.

4. Although the FIR mentions name of only the person with whom the informant was in contact on the aforesaid mobile app and also, the website Travel Partners, during the course of investigation, the investigating authority found that the applicants before this Court, associated with WeAlwin Technologies Private Limited, were also required to be arraigned as accused persons. Accordingly, the applicants were arraigned as accused. They approached the Sessions Court by filing anticipatory bail applications. Their applications were dismissed and they have approached this Court for relief.

5. The learned counsel for the applicants submitted that the applicants are merely directors and employees of the aforesaid company which is a company *bona fide* engaged in the business of website designing and there can be no criminality associated with the nature of work performed by the applicants for the clients of the aforesaid company. It is submitted that when a person named John reached out to the aforesaid company for designing of website, appropriate steps were taken, as in the case of other clients also, to design the website in terms of requirements of the said John. It was submitted that the said company received its consideration for providing the service of website designing, through cryptocurrency, which is lying in the

wallet of the aforesaid company even today. It is submitted that there is no money trail reaching up to the applicants or the aforesaid company WeAlwin Technologies Private Limited and since the applicants are ready to co-operate with the investigation, the present applications deserve to be allowed. It is further submitted that during the period when interim orders were operating in favour of the applicants, they had duly co-operated with the investigating authority, by providing all necessary documents and information. Even the mobile number of the said John was provided and hence, this Court may consider allowing the present applications.

6. On the other hand, the learned APPs have vehemently opposed the present applications. It is submitted that the manner in which the applicants claim to have designed the website for the aforesaid John on behalf of WeAlwin Technologies Private Limited, appears to be suspicious as there is no trace of business transaction in the form of agreement or contract. The investigation has revealed that the applicants were in the process of cloning websites, under the garb of designing websites for clients. Reference is made to certain audio clips found during the course of investigation, recovered from the applicants, indicating that they were aware about the aforesaid website being in the nature of gambling website. Although it was named as Travel Partners, it was further submitted that the *modus operandi* adopted by the applicants gives rise to suspicion with regard to the manner in which they undertook their business of designing websites, which ultimately led to the informant being duped.

7. This Court has considered the rival submissions in the light of the material available on record. In the present case, the applicants have not been able to show any material in the form of agreement or contract

executed with the said John for designing the website Travel Partners. Reliance is placed merely on WhatsApp chats with the said person. There is substance in the contention raised on behalf of the respondent-State that absence of an agreement or contract does create suspicion about the manner in which the applicants and their company i.e. WeAlwin Technologies Private Limited have been operating in the business of website designing.

8. It is difficult to imagine how a professional company could engage in such task of designing website without ascertaining the background and details of the clients for whom it is designing websites. The nature of information provided to the investigating authority on behalf of the applicants gives an impression to this Court that the applicants have been hiding more information than what they have been revealing.

9. The grievance of the informant specifically pertains to the manner in which he was duped while he performed the tasks on the aforesaid website i.e. Travel Partners. In this context, when the transcripts of the audio recordings of conversation between the said person John and the applicants are appreciated, it is *prima facie* found that the applicants were aware about the requirement of the said client in respect of a gambling website. Since the present case involves technology and cyber crime, unless the information available with the applicants is fully revealed, it would be difficult for the investigating authority to proceed further in the matter.

10. It has been brought to the notice of this Court that when the mobile number of the said client was shared by the applicants with the investigating authority, it was found that the application form for issuance of the sim card with regard to the said number pertained to an address of Tamil Nadu. In

such a situation, unless the investigating authority is allowed to have a free hand to further investigate into the matter, the loose ends would never be tied. The involvement of the applicants *prima facie* appears to be made out at present, at least to the extent of assisting the said client in designing the website, which ultimately led to the informant being duped.

11. This Court is of the opinion that in such a complicated case involving cyber crime and in the light of the material that is presently available on record, which indeed *prima facie* indicates involvement of the applicants in the manner in which the informant was duped, it would be appropriate that the investigating authority is permitted to investigate the matter in its own way, so as to go to the bottom of the *modus operandi* adopted by the accused in duping the innocent informant.

12. No case is made out for granting anticipatory bail. The applications are dismissed.

(MANISH PITALE, J)

PRIYA KAMBLI Digitally signed by PRIYA KAMBLI Date: 2024.11.14 11:20:44 +0530 ***Priya Kambli***