



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.125 OF 2024

(Vikas s/o Dhanraj Khudale Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.W. Sambre, Advocate for the applicant.
Mr. M.J. Khan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 21, 2024.

Heard.

2. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.1049/2023 registered with Police Station Saoner, District Nagpur for the offence punishable under Sections 420, 467, 468, 471, 413 read with Section 34 of the Indian Penal Code and Sections 66 and 67 K and D of the Information Technology Act, 2000.

3. Learned Counsel for the applicant submitted that as far as present applicant is concerned his name is not mentioned in the FIR. The crime is registered on an allegation that one Vivek Tejram Choure made of phone call to the complainant and informed him that he has kept Rs.2000/- at the pan stall. Said Vivek Choure also came at about 1.30 p.m. at the said pan stall and took the complainant on a pretext of giving Rs.2000/-. Thereafter he took him at bus stop of Telkamthi wherein his

photographs are obtained, his documents are also obtained and it revealed that the account was opened in his name and the account was misused for the transactions. During investigation, the name of the present applicant is also revealed. It also revealed that total 56 bogus accounts came to be opened in the various banks namely ICICI Bank, Axis Bank and IndusInd Bank etc.

4. Learned Counsel for the applicant submitted that as far as present applicant is concerned who is the victim. He has also received some amount, his documents are also misused. Thus, he is also victim at the hands of the co-accused. As far as the custodial interrogation of the present applicant is concerned which is not required. His statement is already recorded by the investigating agency. In view of that, the interim protection granted to him deserves to be confirmed.

5. Learned Additional Public Prosecutor strongly opposed the application and canvassed the entire *modus operandi* of the present applicant and other co-accused to show that how the fraud was committed. He submitted that from the poor persons by giving them promise of getting Rs.500/- to 1000/-, the details and the documents were obtained. Thereafter the said documents are used for opening all bogus accounts and said bogus accounts are used for lacs of rupees transaction. Total 56 bogus accounts came to be opened by the present applicant and the other co-accused and the transaction of

Rs.25,21,03,491/- was reflected in those bogus accounts. He submitted that those transactions in the said bogus accounts found to be done with certain companies namely Govind services, Pal Jute Agency, Shanti Services, Sarkar Enterprise and Prem Travels. He further submitted that investigation is at a primary stage. The custodial interrogation of the present applicant is required considering the huge magnitude of the amount involved in the present crime and prays for rejection of the anticipatory bail.

6. I have heard learned Counsel for both the sides. Perused the investigation papers. On perusal of the investigation papers it reveals that the Investigating Officer has collected the account extracts of various accounts which are opened and which are the bogus accounts. The statements of the witnesses are also recorded from which it reveals that it was the present applicant who approached to them and obtained the various documents from them and said documents are used for opening the bogus accounts. It further revealed from the statements that the present applicant gave them promise of getting Rs.10,000/- to 20,000/- for opening of account and thereafter with the help of these accounts the huge transactions was made through the said 56 bogus accounts. There is a transaction of almost 165 crores. Thus, considering the huge magnitude of the amount involved and the considerations for grant of anticipatory bail and considering the requirement of the present

applicant's physical custody, the application deserves to be rejected.

7. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*