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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 835 OF 2024

Nirajkumar Ashok Kumar Singh .. Applicant
Versus
The State of Maharashtra and Anr. .. Respondents

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- Mr. Rohan Mahadik a/w. Ms. Mekhala More and Ms. Rachana Karad, Advocate i/by The Juis Partners for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for Respondent No.1 – State.

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CORAM : MILIND N. JADHAV, J.
DATE : MARCH 17, 2025.

P.C.:

1. Heard Mr. Mahadik, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent No.1 – State.

2. This is an Application under Section 439 of the Code of Criminal Procedure, 1973 (for short "**Cr.P.C.**") seeking Regular Bail in connection with C.R.No.12 of 2020 registered with Chitalsar Police Station for the offences punishable under Sections 419, 420 and 504 read with 34 of the Indian Penal Code, 1860 (for short "**IPC**") and Section 66(c) and (d) of the Information Technology Act, 2000 (for short "**IT Act**").

3. Case of the prosecution is against 9 Accused persons. 8 accused save and except the present Applicant whose names are (i) Deepak Sharma; (ii) Rajveer Singh; (iii) Arvind Dubey; (iv) Shrivastav;

(v) Miss Pammi Narayan Singh; (vi) Dinesh Yadav; and (vii) Raghavendra Singh are shown as unknown persons and they are absconding. Even according to the Applicant before me, he has in his statement recorded before the prosecution has stated that he has given the entire amount received by him from the First Informant – Complainant to Accused No.8 namely Mr. Raghavendra Singh who was a person known to him (त्याच्या ओळखीचा इसम) and that this person Accused No.8 was from Delhi. The case of the prosecution is *prima facie* seen from the First Information Report (for short '**FIR**') which is registered on 15.01.2020 appended at page No.63 of the Application where the statement of the First Informant is reflected.

4. Though Mr. Mahadik, learned Advocate for Applicant would argue that the name of the Applicant is not stated in the FIR by the First Informant as he has not interacted with him but he would fairly submit and inform the Court that the entire amount for which the First Informant was induced and lured to pay was directed to be deposited into two bank accounts held by the Applicant in the State Bank of India, Delhi Branch and Bank of India, Delhi Branch.

5. Perusal of complaint itself *prima facie* shows that the First Informant transferred a substantial amount after he having been lured into transferring the said amount which is *prima facie* evident. On reading the FIR and the statement of the First Informant, Applicant before me and another co-accused No.6 Ms. Pammi Narayan Singh are the accused to whom the amounts were transferred by the First Informant. Rest of the co-accused have played their part in inducing the First Informant to part with the various amounts in the year 2019. The *modus operandi* used by the co-accused persons was such that it would be completely unsuspecting of any person to disbelieve them.

6. In so far as the present case is concerned, First Informant was persuaded, pursued and I would rather say pestered by the accused persons to say the least in the most gullible manner so as to lure him into making the payments towards premiums of his Insurance Policies which the First Informant had taken out so as to aid and assist him in his old age and in order to save him from committing any default. *Prima facie*, it is seen that even on the date of filing the complaint the First Informant himself was 80 years of age.

7. What is evident and which is not denied by the Applicant before me is the fact that Applicant received the entire amount into his bank accounts in various installments between July 2019 and November 2019 reflecting 15 such specific entries of amounts in various denominations in lakhs of rupees in his bank account. The total amount received by the Applicant is little in excess of Rs.25 lakhs. Rest of the amount from the First Informant was received in the bank account of the co-accused No.6.

8. Mr. Mahadik, learned Advocate for Applicant would argue that the Applicant was arrested subsequently after he participated in the investigation with the prosecution agency on 15.10.2022. He would submit that if Section 29(2) of the Cr.P.C. is read and the offence invoked against the Applicant are considered, on conviction, it would entail maximum imprisonment upto 3 years only.

9. However, *prima facie* maximum punishment for the crime committed under Sections 419 and 420 of IPC is upto 7 years. This Court is intrigued on the submissions made by the learned Advocate for Applicant because it is very easy for a person to commit a crime, admit to the same and then after 2 and half years of incarceration make such submissions. The effect of this kind of crime on Society is what the Court needs take into cognizance while Bail Application of person like the Applicant is dealt with.

10. One more submission which the learned Advocate for Applicant has stated is that Applicant is not in a position to show his bonafides because he has given the entire amount received by him in his bank account to the other co-accused involved in the crime. None of the other co-accused have been arrested by the prosecution neither their whereabouts are known till date and they are shown as absconding accused. In such a situation and dilemma the fate of the trial is itself written at the inception stage itself.

11. Though submission made by learned Advocate for Applicant that he is incarcerated for more than 2 and half years be considered by the Court, in the present circumstances when it is *prima facie* evident that the Applicant has himself received the entire amount directly from the first day itself it shows not only his complicity in receiving the amount but in the conspiracy as well alongwith other co-accused in committing the present crime well before it was executed.

12. In view of the aforesaid observations, I am not inclined to consider the Application of the Applicant before me for grant of bail.

13. Criminal Bail Application is therefore rejected.

[MILIND N. JADHAV, J.]

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