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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3757 OF 2024

Mayank pradeep Sharma … Applicant
V/s.
The State of Maharashtra … Respondent

Mr. Parth K. Sanghrajka with Mr. Siddhesh Samel for the applicant.

Mrs. Shilpa G. Talhar, APP for the respondent-State.

Mr. Sunil Khair, PSI, Airport Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 8, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”), the applicant is seeking regular bail in connection with Crime Register No. 42 of 2024 registered with Airport Police Station, for the offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”).

2. As per the case of the prosecution, on 25th January 2024, between 3.00 p.m. to 3.45 p.m., three persons—Krishna Sharma (main accused), the present applicant, and one unknown person—hatched a criminal conspiracy. Under the guise of sending 12 persons to Bangkok, they lured the employee of the informant to

Hotel Taj at Santacruz. At the said hotel, they collected an amount of Rs. 35,000/- from him and assured further processing of Rs. 29,00,000/- for the said foreign travel. However, after collecting the money, they absconded from the spot and committed cheating to the tune of Rs. 29,00,000/-.

3. Learned advocate for the applicant submits that there is a delay of nearly six weeks in lodging the First Information Report (FIR). Though the incident occurred on 25th January 2024, the FIR came to be registered only on 6th March 2024. It is further pointed out that the main accused is already arrested but came to be released on the technical ground of failure to furnish proper grounds of arrest. The charge-sheet in the present case has been filed and investigation is complete. According to the learned counsel, there is no further recovery to be effected from the present applicant. It is also submitted that the applicant is only 22 years of age and has no prior criminal antecedents. He is a nephew of the main accused and has been falsely implicated only due to his familial relation, without any direct role in the alleged offence.

4. On the other hand, learned APP for the State strongly opposed the bail. She submitted that the accused persons adopted a very calculated modus operandi. They pretended before the informant that there was an urgent requirement of 35,000 US dollars by someone in Mumbai and thereby induced the informant to come to Hotel Taj. The applicant met the informant at the hotel lounge and escorted him to a room, where the main accused Krishna Sharma and another person were already present. There, the informant was asked about the said amount. Thereafter, one of the accused, Krishna, left the room on a pretext. After some time, the present applicant informed the informant that a famous Bollywood actress had arrived at the hotel and he was required to attend to her, and saying so, he too left the room. Neither of them returned. On calling, the informant was asked to wait, but no one turned up. It is pointed out that the role of the applicant was to accompany and distract the informant as part of the pre-planned scheme. The learned APP also emphasized that the applicant was fully aware of the conspiracy and his conduct cannot be seen in isolation. It was further submitted that there is a previous FIR involving similar modus operandi, indicating a pattern and premeditation. Hence, the application for bail does not deserve to be entertained.

5. Upon careful consideration of the submissions made on behalf of the applicant and the prosecution, as well as upon perusal of the material placed on record, certain aspects emerge which weigh against grant of bail at this stage.

6. The nature of allegations made against the applicant in the present case cannot be termed as casual or minor. On the contrary, the facts alleged by the prosecution disclose a well-thought-out and pre-planned act of deception, carried out in a calculated manner. It is alleged that the applicant, in collusion with the main accused Krishna Sharma and another unknown person, conspired to defraud the informant under the guise of arranging international travel for 12 persons to Bangkok.

7. As per the prosecution's version, the accused persons presented before the informant a story that a person in Mumbai urgently required 35,000 US Dollars and, to facilitate this transaction, lured him into coming to a reputed five-star hotel in Santacruz. The entire act appears to have been carried out in a manner that would create an impression of authenticity and urgency, by selecting a high-end venue and portraying connections with a celebrity.

8. The informant was made to meet the present applicant, who, as per the case of the prosecution, received him in the hotel lounge and escorted him to the designated room where the co-accused were present. There, discussions took place about the purported currency exchange, and thereafter one accused left the room under some pretext. After a short while, the present applicant also left the room, claiming that a well-known Bollywood actress had arrived and that he was required to attend to her. Despite assurances that someone would return shortly, none of the accused returned, and the informant was left waiting indefinitely.

9. This entire sequence of events, on its face, indicates a deliberate and systematic attempt to defraud the informant. The conduct of the accused, including the applicant, reveals that each one played a specific role in furtherance of a common design. The presence of the applicant at the scene, his active involvement in facilitating the meeting, and his abrupt exit on a false pretext, all point towards his knowing participation in the offence.

10. The amount involved is substantial, ₹29,00,000/-, which reflects not only the seriousness of the offence but also the extent of trust that was sought to be wrongfully exploited. The use of a five-star hotel, the reference to US dollars, and the invocation of a celebrity name are all indicative of a scheme designed to build false credibility and manipulate the victim's confidence.

11. Therefore, at this stage, the material on record prima facie establishes a concerted act involving deception, which cannot be brushed aside as a mere misunderstanding or coincidental presence. The role attributed to the applicant is not peripheral but central to the unfolding of the alleged conspiracy. In such circumstances, the prayer for bail does not merit acceptance at this juncture.

12. The specific role attributed to the present applicant is not merely passive. It is alleged that he met the informant, escorted him to the room, participated in the conversation, and later misled the informant by stating that he was required to attend to a celebrity, thereby facilitating the escape of all accused persons. This conduct, as narrated in the FIR and supplementary statement, demonstrates that the applicant was actively involved in the execution of the fraudulent scheme.

13. The contention that the applicant has been falsely implicated merely because he is a relative of the main accused, cannot be accepted at this stage, especially when the manner of participation, as alleged, appears deliberate and calculated. The previous FIR involving similar modus operandi lends further weight to the prosecution's version that the act was not an isolated incident, but part of a systematic pattern.

14. Though the charge-sheet has been filed and custodial interrogation of the applicant may no longer be necessary, the possibility of tampering with prosecution witnesses or attempting to influence the ongoing proceedings cannot be ruled out in view of the nature of allegations and the conduct attributed to the applicant.

15. Considering the seriousness of the offence, the amount involved, the modus operandi, and the role specifically attributed to the applicant, I am not inclined to grant bail at this stage. However, keeping in view the age of the applicant and the fact that he is stated to have no prior conviction, liberty is granted to the applicant to renew his prayer for bail after a period of six months, if the trial has not made substantial progress by then.

16. Accordingly, the bail application stands rejected with liberty to the applicant to file a fresh application after six months, if circumstances so warrant.

17. Accordingly, the bail application stands rejected.

(AMIT BORKAR, J.)