

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4777 OF 2024**

Suraj Murali Verma ... Applicant
versus
The State of Maharashtra and Anr. ... Respondents

Mr. Ujjwal Gandhi with Mr. Prateen Datta, Ms. Saakshi Jha, Ms. Bhavi Kapoor, for Applicant.
Mr. A.A.Naik, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 28 JANUARY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The Applicant, who is arraigned in C.R.No.271 of 2022, registered with Turbhe Police Station along with his brother Anoop Murali Verma and Abdul Aziz Firozabadi and Sajid Jalil Sayyed, for the offences punishable under Sections 419, 420, 465, 468, 471, 201 read with Section 34 of the Indian Penal Code, 1860, Sections 66C and 66D of the Information Technology Act, 2000 and Sections 4, 20, 21 and 25 of the Indian Telegraph Act, 1885, has preferred this application to enlarge him on bail.
3. The gravamen of indictment against the applicant is that the applicant and his brother Anoop had started a data center under the name and style of M/s. Global Enterprises, installed a server at Mahape, Navi Mumbai, and obtained Session Initiation Protocol (SIP Trunking) connection from Vodafone,

a telecom service provider, and illegally routed the international VOIP calls and thereby deceived the government. The applicant is a proprietor of M/s. Global Enterprises. The applicant and co-accused have allegedly caused notional wrongful loss to the government to the tune of Rs.2,67,36,949/-. The alleged acts of the applicant and the co-accused also posed threat to internal security of the State.

4. Mr. Gandhi, learned Counsel for the Applicant, submitted that this Court has enlarged rest of the accused, namely, Abdul (A3), Sajid (A4) and Anoop Verma (A2) on bail. Though the applicant is alleged to be a proprietor of M/s. Global Enterprises, yet, there are allegations against the co-accused who have been enlarged on bail of having entered into transactions to obtain the premises on leave and licence basis and executed the instruments for the same. Therefore, the applicant is entitled to the same dispensation.

5. Mr. Gandhi, learned Counsel for the Applicant further submitted that, in any event, the applicant has been in custody since October 2022. The charge has yet not been framed. Therefore, it is extremely unlikely that the trial can be concluded in a reasonable period.

6. Learned APP resisted the prayer for bail. It was submitted that the applicant was the kingpin of fraudulent and dishonest data center used to illegally route the international VOIP calls. Therefore, the applicant cannot claim parity with the co-accused.

7. It is true, the allegations against the applicant are more direct and specific as compared to the co-accused who have been enlarged on bail. However, the aspect of the loss caused to the public exchequer of Rs.2,67,36,949/- is notional one. That brings in an element of adjudication of the loss to the public exchequer. Moreover, the fact that the applicant has been in custody since 22 October 2022, especially, in the backdrop of the fact that the charges has reportedly been not framed, merits adequate consideration. The offences for which the applicant has been arraigned are triable by the Magistrate. The applicant has been in custody for more than two years and three months.

8. Having regard to the nature of the accusation, number of witnesses the prosecution may be required to be examine, the evidence the prosecution may be required to adduce and the fact that the charge has yet not been framed, render the submission on behalf of the applicant that it is extremely unlikely that the trial can be concluded within a reasonable period, worthy of credence. None of the offences for which the applicant has been arraigned entails punishment of imprisonment exceeding 7 years. Since rest of the accused have been enlarged on bail, further detention of the applicant, especially in the light of the long period of incarceration, appears unwarranted. I am, therefore, persuaded to exercise discretion in favour of the applicant. The apprehension on the part of the prosecution that the

applicant may flee away from justice and again indulge in identical offences can be taken care of by imposing stringent conditions.

9. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Suraj Murali Verma be released on bail in C.R.No.271 of 2022 registered with Turbhe Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence before Turbhe Police Station, Mumbai on first Monday of every month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) The Applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vi) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and co-accused and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)