AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2995 OF 2025

Amir Sanjay Kasareddy … Applicant

V/s.

The State of Maharashtra … Respondent

Mr. Shailesh I. Kantharia for the applicant.
Mr. Sagar R. Agarkar, APP for the respondent-State.

CORAM : AMIT BORKAR, J.

RESERVED ON : AUGUST 26, 2025

PRONOUNCED ON : SEPTEMBER 4, 2025

P.C.:

1. By way of the present application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short), the applicant seeks his release on regular bail in connection with Crime Register No. 13 of 2025 registered with the Crime Branch, Mumbai. The said crime originates from the earlier Crime Register No. 126 of 2025 lodged with Borivali Police Station, Mumbai. The offences alleged against the applicant are punishable under Sections 316(2), 318(4), 111(2)(B), 111(3), (4), (6), (7), 3(5) of the Bhartiya Nyaya Sanhita, 2023 ("BNS" for short), along with Section 66(A) of the Information Technology Act, 2000 and Section 25(2) of the Indian Telegraph Act, 1951.

2. As per the prosecution case, certain information was received by the authorities regarding illegal activities concerning supply of

drugs, e-cigarettes, and operation of a call centre. Acting upon this secret information, the complainant and others were summoned and briefed about the proposed action. Later, around 11.00 p.m., they were again called and informed that a raid would be conducted at a call centre located at Aparna Apartments, 3rd Floor, Amarkant Jha Marg, Borivali (West), where construction work was still underway. It was alleged that the said call centre was indulging in duping American citizens. The modus adopted was that the victims were contacted on the pretext of computer repairs, thereafter their bank details were procured, and subsequently their accounts were hacked to siphon off money.

3. Acting on this information, a raiding team consisting of two panch witnesses and a Cyber Expert proceeded to the premises at about 00.55 hours. On knocking, one Tilak Sanjay Joshi opened the door and disclosed that he was running the said call centre. Upon being informed of the purpose of the raid, the police party was allowed entry. During further questioning, Tilak Joshi revealed that the centre was operated by him jointly with one Akshad Surana and Abhishek Gupta. Several persons were found working in different cabins. In all, thirteen individuals were present, who disclosed their names and addresses. Out of them, ten persons had joined the establishment about 8 to 10 days earlier for training. They were employed as tele-callers and provided with mobile phones by the operators of the centre. All these persons were directed to remain present before the police on the following day, i.e. 22nd February 2025, at 10.00 a.m.

4. During the said raid, Tilak Joshi (Owner), Amit Sanjay Kas Reddy (the present applicant, described as Closure), Jeevan Anil Nawadkar (Team Leader) and Pratham Sanjay Sonawane (Team Leader) were arrested on the spot. Mobile phones in their possession were seized. In addition, the police seized 22 laptops. It was noticed that for communication purposes, applications like "Text+" and "TextNow" were being used. Two Wi-Fi routers had been installed and connected through TP Link devices. When questioned, Tilak Joshi could not produce any license for running the call centre. He further admitted that the operations involved targeting American citizens through Google Select, sending popup messages about supposed defects in their laptop systems, and displaying a toll-free number. Victims who called on this number were made to believe that they were speaking with Microsoft representatives. Using "Ultra Viewer" application, access to their laptops was obtained. They were then confronted with allegations of accessing pornographic websites such as "Pornhub", thereby instilling fear. Thereafter, they were sent messages through Text+ application and asked to purchase gift cards.

5. Tilak Joshi also disclosed that the premises in question belonged to one Deepan Suresh Dhanwani, from whom it was taken on rent. Ten girls who were found working at the centre were served notices and allowed to go, with instructions to appear before the Crime Branch on 22nd February 2025. The police conducted videography of the premises and prepared a detailed panchanama. Subsequently, the crime came to be registered. Four persons, including the present applicant who was working as Team

Leader, were arrested in connection with the said activities, and the First Information Report (FIR) was accordingly lodged.

6. Learned Advocate appearing on behalf of the applicant, while drawing attention to the ingredients of the offences alleged, contended that the material collected during investigation does not prima facie satisfy the essential ingredients so as to fasten criminal liability upon the applicant. It is argued that the applicant is neither the owner of the premises nor the person who was running the call centre. The license agreement of the premises itself stands in the name of a co-accused, which clearly indicates that the applicant had no proprietary control. No particular or specific role has been attributed to him in the actual operation of the alleged fraudulent activities.

7. It is further submitted that the applicant has no prior criminal antecedents to his discredit. There is also no material to suggest any continuing unlawful activity or to demonstrate that he was a part of any organized crime syndicate. The arrest of the applicant is shown to be only on the basis of the statement of the co-accused Tilak Joshi, who was the owner of the call centre, along with two other accused who are absconding. Importantly, from the mobile phone seized from the applicant, the Investigating Agency has not recovered any incriminating material. The applicant has been in custody since 22nd February 2025. In these circumstances, it is urged that the applicant deserves to be enlarged on regular bail.

8. Per contra, the learned APP strongly opposed the prayer for bail. It is submitted that the role attributed to the present applicant is that of a “Closure” in the hierarchy of the call centre operations. According to the prosecution, the modus operandi of the employees was to impersonate as representatives of Microsoft Company and to mislead unsuspecting foreign customers by telling them that their laptops were infected with a virus or had a serious technical defect. By using the “Ultra Viewer” application, remote access of the victim’s laptop was obtained. Thereafter, the victims were falsely told that they had accessed pornographic websites such as “www.pornhub.com”, and as a result their laptops were hacked and sensitive data stolen.

9. At this crucial stage, the role of the applicant would begin. The applicant, being a “Closure”, used to step in and demand payment from the victims. They were threatened that unless they purchased gift cards worth USD 200 to 500, their data would not be restored. The applicant allegedly directed that the said payments be made through online applications such as Text+ or TextMe. For that purpose, forged documents were used to open fake bank accounts in America, into which the proceeds were transferred.

10. The learned APP further submitted that against the group leader Tilak Joshi, multiple charge-sheets have already been filed, and therefore it is not necessary to file separate charge-sheets against each individual member of the syndicate. Attention was drawn to Section 111(2)(b) of the Bharatiya Nyaya Sanhita, 2023, which prescribes punishment of not less than five years, which

may extend to imprisonment for life. Sub-section (4) of the same section provides punishment for any member of an organized crime syndicate with imprisonment up to life. In view of the material available on record, it is submitted that the applicant is an active member of such organized crime syndicate. Hence, he is not entitled to be released on bail.

11. I have considered the rival submissions and carefully gone through the material placed on record. At the outset, it is to be noted that while exercising jurisdiction under Section 483 of the BNSS, 2023, the Court has to strike a balance between the fundamental right to personal liberty guaranteed under Article 21 of the Constitution of India and the interest of society at large, particularly the victims of crime. It is well settled that the grant of bail is not to be considered as a matter of routine, but the Court is required to assess the gravity of the offence, nature of allegations, role attributed to the accused, possibility of tampering with evidence or influencing witnesses, and the larger impact on society.

12. In the present case, the allegations disclose a systematic modus operandi of running a fraudulent call centre targeting foreign nationals. The victims were induced to believe that they were speaking to technical support executives of a reputed company like Microsoft. By misusing applications like “Ultra Viewer,” remote access of their computers was taken, and thereafter fear was instilled by alleging access to pornographic websites. Subsequently, payments in the form of gift cards or transfers through fake accounts were demanded.

13. The material collected by the Investigating Agency, on a prima facie basis, shows that the applicant was working as a "Closure" in the fraudulent call centre operations. It is specifically alleged that the applicant was actively involved at the crucial stage of extracting money from the victims, after their trust had already been shaken by the false statements made by other employees. His role was not that of a simple trainee or ordinary staff, but that of a person who was given the responsibility of demanding and collecting payments from the victims in the form of gift cards or money transfers. This clearly shows that he was taking an active part in the illegal scheme.

14. At this stage of investigation, the statement given by the co-accused, along with the recovery of laptops, mobile phones, routers, and the use of technological applications like Ultra Viewer and Text+, provides enough material to suggest that the applicant was not just a bystander but was a part of a well-planned syndicate carrying out cyber frauds. The argument that no incriminating material was directly found on the applicant's mobile phone cannot be given much importance, because in crimes of this nature the offence depends on a chain of actions and the collective role of different persons. The applicant's position as a "Closure" forms one of the important links in this chain of cheating, and therefore his involvement cannot be overlooked at this stage.

15. It is also a well-settled legal principle that while deciding bail applications, the Court is not expected to conduct a detailed trial or examine the evidence minutely. The Court only has to see whether there is prima facie material to show the accused's

involvement. In the present case, the material on record, if seen together, clearly indicates prima facie involvement of the applicant in the organized criminal activity.

16. The argument of the learned Advocate for the applicant that nothing incriminating was found on the applicant's mobile phone and that he has no past criminal record, cannot be accepted at this stage. In deciding bail matters, the Court has to look at the entire material gathered during investigation and the role of the accused in the alleged crime. It is not enough to only see whether some incriminating article is found on his personal device. The fact that the applicant has no antecedents by itself does not make the offence less serious, particularly when the case relates to organized cyber fraud, which is carried out in a planned and collective manner.

17. The nature of the offence in this case has far-reaching consequences. It involves cheating foreign nationals and fraudulently siphoning off their money. Such crimes are not only economic in nature but also have cross-border impact, which harms the international reputation of the country. Because of this, the Court is required to take a stricter view while considering bail.

18. It is also important to note that Section 111 of the Bharatiya Nyaya Sanhita, 2023 provides for stringent punishment, including imprisonment for life, for those who are members of an organized crime syndicate. The clear intention of the legislature is that persons involved in organized crimes, particularly large-scale cyber frauds, must be dealt with firmly. The law is designed to put a

strong check on such activities, as they endanger not only the financial safety of individuals but also public confidence in the country's legal and economic systems.

19. Therefore, in these circumstances, the plea that the applicant has no antecedents or that nothing was directly recovered from his device becomes insignificant when compared to the seriousness of the allegations, his assigned role as "Closure," and the organized nature of the unlawful activity.

20. Considering the seriousness of the allegations, the organized manner in which the crime is alleged to have been committed, and the specific role attributed to the applicant as "Closure," this Court is of the opinion that the applicant has not made out a case for grant of bail. Enlarging the applicant on bail at this stage would not only hamper the ongoing investigation but may also embolden such activities which have far-reaching consequences.

21. Hence, in the totality of the facts and circumstances, this Court is not inclined to exercise discretion in favour of the applicant.

22. The Bail Application stands rejected.

(AMIT BORKAR, J.)