IN THE HIGH COURT OF JUDICATURE OF BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.2575 OF 2025

Lalit s/o Vijay Kolhe … **APPLICANT**

VERSUS

The State of Maharashtra … **RESPONDENT**

....

Mr. N.B. Khandare, Senior Advocate i/b
Mr. A.D. Raut , Advocate for applicant
Mr. G.O. Wattamwar, A.P.P. for respondent – State

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WITH

BAIL APPLICATION NO.2452 OF 2025

Narendra Chandu Aagariya … **APPLICANT**

VERSUS

The State of Maharashtra … **RESPONDENT**

....

Mr. B.S. Deshmukh, Advocates for applicant
Mr. G.O. Wattamwar, A.P.P. for respondent – State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th JANUARY, 2026

O R D E R :

By these applications, the applicants are seeking their release on regular bail in connection with Crime No.314/2025, registered with Jalgaon Taluka Police Station, District Jalgaon for the offences punishable under Sections 61(2), 318(4), 319(2), 336(3), 338, 340(2), 351, 111, 3(5) of the Bhartiya Nyaya Sanhita, 2023, Sections 66(c) and 66(d) of the Information Technology Act, 2000 and Sections 3(1) and 42(1) of the Telecommunication Act, 2023.

2. The prosecution case is that the applicants along with other co-accused were operating a bogus call centre from a farm house owned by applicant Lalit, which is allegedly constructed without obtaining the requisite permissions. While operating the said call centre, foreign customers were identified and contacted through internet-based applications such as the X-Lite app, using IP addresses that are not easily traceable.

3. During the raid, the accused were found using computers, mobile handsets, and other electronic devices to make internet-based calls. It is further alleged that the call centre falsely projected itself as “Amazon Customer Care” and “PayPal Customer Care” with the intent of extracting money from foreign nationals, and in that connection, certain receipts were recovered during the course of investigation.

4. It was further revealed during the investigation that the applicant/Lalit operated a bank account standing in the maiden name of the wife of his driver, which was initially linked to the mobile number of accused No.1. Allegedly, accused No.1, has been closely associated with the applicants for more than 15 years.

5. The investigation further revealed the use of foreign accounts by applicants, with foreign currency allegedly diverted to those accounts for investment in the cryptocurrency and equity markets. It is further alleged that this was the modus with which funds were siphoned off and routed through hawala networks to finance other criminal activities. In the aforesaid backdrop, the report was lodged, and the applicants were subsequently arrested.

6. Learned Senior Counsel Mr. Khandare appearing for the applicant in Bail Application No.2575/2025 submits that the applicant is a political figure, having been elected four times as a Corporator of the Municipal Corporation, Jalgaon, and thereafter as the Mayor of Jalgaon City. It is contended that the implication of the applicant is politically motivated. Except for allegedly letting out the farmhouse where the said call centre was operating, no specific role is attributed to the applicant, who is the owner of the farm house, nor is there any material to substantiate such involvement. It

is further submitted that the applicant has been implicated solely to trammel the political career and that no incriminating material has been collected during the course of investigation against him.

7. It is further submitted that the investigation has been completed and the applicant has been in custody for more than three months. In these circumstances, continued incarceration of the applicant would be unjustified. Accordingly, prayed that the applicant be be enlarged on bail.

8. Mr. Deshmukh, learned counsel for the applicant in Bail Application No.2452/2025, adopting the submissions of Mr. Khandare, learned Senior Counsel, submits that the applicant had no role other than procuring water jars from the supplier for the premises where the alleged call centre was operating. In view of the same, submitted that his bail application may be considered.

9. The learned A.P.P. has vehemently opposed the application, submitting that, in view of the manner in which the bogus call centre was established and operated in the premises owned and unauthorizedly developed by the applicant/Lalit in his farm house, the magnitude of the offence is evident from the documents seized during investigation. These include laptops,

mobile devices with X-Lite apps, and scripts provided to the dialers/operators. The complicity of the present applicants is further highlighted by the statement of witness Arti Koli, wife of the driver of the applicant, whose bank account was operated by the applicant/Lalit. Even the statement of the applicant’s son confirms the long-standing association of the applicant with accused No.1, Rakesh Chandu Aagariya. The police are continuing their investigation with the assistance of expert agencies to uncover the full extent and gravity of the activities, which also involve violations of other statutory provisions and are yet to be unearthed.

10. The learned A.P.P. further submits that the applicants have criminal antecedents those are not candidly disclosed in the bail application. The learned A.P.P. also expressed apprehension that the applicants, given their political standing, may exert undue influence over the witnesses. Therefore, prayed that the applications be rejected.

11. Having heard the respective counsels, the perusal of the record including the chargesheet and the statements and the material placed on record, It is prima facie evident that co-accused were present during the raid and operating the illegal call centre. Moreover, accused No.1 namely Rakesh has been associated with

the applicants for a prolonged period. This is prima facie evident from the statement of the applicant's son. It is further apparent that accused No.1 used to carry out other activities on behalf of the applicant/Lalit, effectively acting as an intermediary or medium for the applicant's operations.

12. The statement of the wife of the applicant's driver indicates that the bank account in question, originally standing in her maiden name and initially linked to the mobile number of accused No.1, was eventually operated by the present applicant Lalit by linking to his mobile number. Such conduct prima facie demonstrates that the applicant used other individuals as conduits to carry out his illegal activities under their names.

13. Records further indicate that the accused were operating internet-based applications such as the X-Lite app, which involve internet calling and those are not easily traceable. The investigating agency has applied to the concerned departments to obtain the relevant reports, since the activities also involve foreign nationals and foreign bank accounts. Nevertheless, such covert conduct itself demonstrates the manner in which the applicants sought to circumvent detection. Therefore, merely portraying the absence of a direct link as evidence cannot aid the applicants, as

their secretive and manipulative actions are evident.

14. At this juncture, it would be apt to consider the definition of the offence of ‘organised crime’ as contemplated under Section 111 of the BNS 2023 :

> *“Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offences, cyber-crimes having severe consequences, trafficking in people, drugs, illicit goods or services and weapons, human trafficking racket for prostitution or ransom by the effort of groups of individuals acting in concert, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, corruption or related activities or other unlawful means to obtain direct or indirect, material benefit including a financial benefit, shall constitute organised crime.”*

15. In view of the aforestated definition, the principal allegation against the applicants is their involvement in organised criminal activity. Prima facie, the conduct of the applicants demonstrates the hallmarks of such an offence, the harboring and facilitation of co-accused to operate an illegal call centre, and the systematic duping of foreign nationals under the guise of customer service including construction of an illegal farm house. The applicants have a maintained long-standing associations with the co-accused, enabling coordination and execution of the illegal

enterprise. The deliberate planning, division of roles, and use of others to carry out criminal acts indicate a sustained and structured effort to perpetrate unlawful activity. Altogether, these acts prima facie satisfy the elements of organised crime under the BNS.

16. The Hon’ble Apex Court in case of **Pralhad Singh Bhati Vs. NCT, Delhi [(2001)4 SCC 280]**, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied.

17. Equally, the Hon’ble Apex Court in case of **State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]**, has held that the Court must evaluate the prima facie evidence indicating the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused.

18. The Hon’ble Apex Court in the case of **Mahipal Vs. Rajesh Kumar and Ors. (AIR 2020 SC 670)** has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear prima facie case.

19. In the instant case, the conduct of the applicants, including harboring co-accused and assisting them in procuring materials to facilitate the commission of a crime and benefiting from

the same, cannot be construed as absence of direct involvement. The complicity of the applicants is, prima facie, evident in light of the substantial evidence indicating the accused persons have actively facilitated the co-accused in carrying out the illegal activities. Moreover, there is no record of the applicants having obtained the requisite permissions to construct the premises or to operate the alleged call centre. The material on record prima facie indicates their involvment, coupled with the statements of co-accused and other witnesses corroborate that the applicants indeed aided the other accused in executing the crime.

20. When confronted with the criminal antecedents of the applicants and the non-disclosure thereof, learned Senior Counsel Mr. Khandare has fairly conceded that such antecedents exist but were inadvertently remained to be indicated in the application. The chargesheet indicates that approximately 18 offences have been alleged against the applicant/Lalit. It was therefore incumbent upon the applicants to disclose the status of all these cases. While the pendency of those cases alone may not be a decisive factor, however, the same cannot be ignored entirely. The registration of such a large number of offences raises questions about the credibility of the applicants and prima facie indicates a tendency to

engage in criminal conduct, particularly when considered alongside the present offence, which demonstrates the use of covert methods to evade detection.

21. In case of **Neeru Yadav Vs. State of UP [(2016)15 SCC 422]**, the Hon'ble Apex Court has held that the Courts must not casually ignore the criminal antecedents of the accused and must remain vigilant in serious offences. The same principles were again re-affirmed by the Hon'ble Apex Court in case of **Anil Kumar Yadav Vs. State (NCT of Delhi) [(2018)12 SCC 129]**.

22. Nevertheless, the Hon'ble Apex Court, in **Munnesh Vs. State of Uttar Pradesh in Petition(s) for Special Leave to Appeal (Crl.) No(s).1400/2025,** has restated the obligation to disclose the criminal history. Contravention of the same entails into dismissal of the application. Thus, has underscored the obligationto disclose criminal history. Admittedly, there is no disclosure of pending criminal cases by the applicant. Therefore, also the application does not warrant consideration.

23. Coupled with the above factors, the contention of the applicant in Bail Application No.2452/2025, who is the real brother of accused No.1, cannot be considered in isolation that he merely

procured a water jar for the co-accused. The applicant is also alleged to have facilitated other accused in the operation of the bogus call centre. The totality of circumstances, including his familial connection with accused No.1, his association with applicant Lalit, and the statements of witnesses showing how he procured materials to aid the commission of the alleged crime, must be taken into account, particularly in light of the magnitude and extent of the present offence.

24. The applicants are prima facie involved in serious offences, punishable upto life imprisonment. The overwhelming material on record, along with conduct of applicants, prima facie, establishes their role. The key witnesses are closely connected to them, such as the son of Lalit, who confirms the long-standing association of accused No.1 with the applicants; the wife of the driver, who admits Lalit's covert use of her bank account; and the Tahsildar/Revenue Officer, who corroborates that the farm house was illegally constructed and unrecorded. Other police personnel who participated in the raid further substantiate these facts. Nonetheless, the material collected during investigation, prima facie, indicates complicity of these applicants.

25. In view of the gravity and organised nature of the

offences, the applicants' covert actions to evade detection, their facilitation of co-accused, undisclosed criminal antecedents, and the likelihood that their political influence could affect key witnesses, in my considered view that their request for bail cannot be granted at this stage.

26. Accordingly, the Bail Applications are rejected.

(SACHIN S. DESHMUKH, J.)

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