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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.874 OF 2023**

1. Stalin Arputha Raja	...
2. Ms. Shruthi Naga	...Applicants
vs.	
State of Maharashtra & Anr.	...Respondents

Mr. Hitendra Parab with Mr. Mohit Rao with Mr. Madhukar Dalvi for the Applicants.

Mr. A. R. Kapadnis APP for the Respondent-State.

Mr. Rahul Sonawane, Sr.PI, Nalasopara police station present.

CORAM : S. M. MODAK, J.

DATED : 13TH APRIL 2023

P. C. :

1. Heard learned Advocate for the Applicants and learned APP for the Respondent-State.
2. The Applicants are seeking anticipatory bail in connection with the FIR being C.R. No.I-520 of 2022, registered at Nallasopara police station on 16th November 2022 under section 420 of IPC and under sections 66C and 66D of the Information Technology Act, 2008. FIR is filed on the complaint of one Smt. Dipti Sanjeev Naik. She was duped for an amount of Rs.7,50,000/- from 23rd October 2022 to

27th October 2022. The modus operandi is that certain persons used to receive messages on WhatsApp from the mobile belonging to unknown persons and the messenger used to advertise about certain Apps. Even the receivers were assured of commission. Once those receivers of the messages responded, in response they were further assured of various financial benefits. Those persons were also asked about their bank details and email id.

3. There are various acts committed by sender of those messages, asking the receiver to download certain Apps, in that way confidence is gained. The first informant has given all these details in FIR. The receiver of message was given some task and on completion of task they were also given certain rewards. After completion of one task, another task is assigned to them. In this way sender of those message used to persuade the receiver to part away with the amount. In this way, the first informant on various occasions has parted away with the amount of Rs.7,50,000/-. It is true that the FIR is lodged against unknown persons. There is reference of lady by name Priyanka, who used to send messages.

4. During investigation, the police came to know that there is a company by name Joyzone Infotech Pvt. Ltd. (for short “the said

company”) having office at Bangalore, Karnataka. All these activities are done through the said company by various representatives. The police were successful in finding out their identify on the basis of mobile numbers and certain identities. It is disclosed during investigation that the Applicants are the Directors of the said company. It is further disclosed that there are five bank accounts in the name of said company and money to the tune of several crores is deposited in those accounts. There is reference of at least four bank accounts, in reply, filed by the Investigating Agency before the Court of Sessions. Today, it is submitted that there are five bank accounts and it is shown to me.

5. Learned Advocate sought time to take instructions, however, this fact is also brought to their notice when anticipatory bail application was filed before the Court of Sessions.

6. Learned Advocate for the Applicants submitted that all these bank accounts belonging to the said company are not reflected in the FIR. Whereas the first informant has said that they are transferred in the name of Manish Savle and Amir Mansuri. Even though it may be true, the police during investigation have found out that ultimately all these monies have been transferred to the bank

account of the said company.

7. It is submitted that now there are complaints filed by several persons. It is also submitted that notice under section 41A of the Code of Criminal Procedure was issued but no one was found at the address and hence it could not be served. This is noval way of duping people and can be termed as online cheating. Evidence is based on various conversation and is based on digital evidence. It is different from traditional way of cheating. However, the materials pointed out to me shows prima facie involvement of the Applicants. So I do not think that case for grant of anticipatory bail Application is made out. Their custodial interrogation is required for recovery of the amount. The Application is dismissed.

8. These are my prima facie observations and the trial Court may not be influenced by that.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]