

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2757 OF 2021

Sourabh Dharmveer Sharma ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Ghanshyam Upadhyay i/b. Tripathi & Associates for Applicant.
Mr. Ajay Patil, APP for Respondent-State.
Mr. Mangesh Majgar, P.I. from West Cyber Police Station.

CORAM : NITIN W. SAMBRE, J.
DATE : NOVEMBER 30, 2021

P.C. :

By this application, the applicant is seeking pre-arrest bail in C.R.No.43 of 2021 registered with West Region Cyber Police Station, Crime Branch for offences punishable under Sections 465, 467, 420, 471 and 34 of the Indian Penal Code read with Sections 66(c) and (d) of the Income Tax Act arising out of C.R.No.414 of 2021 registered with Kherwadi Police Station Mumbai for offences punishable under Sections 419, 420 and 34 IPC read with Sections 66(c) and (d) of the I.T. Act.

2. The case of the prosecution is that the present applicant is involved in a fraud scheme by name *Prime Minister Mudra Scheme* whereby minimum loans are sanctioned from nationalized and other banks. It is claimed by the complainant that he had applied online for opening of the account as also for availing the facility of loan from the aforesaid scheme in which he was defrauded to the tune of Rs.6,11,999/-.

3. The submissions of Mr. Upadhyay, learned counsel for the applicant are that the applicant - a passport agent is falsely implicated in the crime. According to him, neither the applicant's name appears in the

FIR nor any sum is recovered or attributed to the applicant during the investigation of the other co-accused who were arrested in relation to the crime. He claims that to show his bonafide, applicant is willing to deposit amount of Rs.6,11,999/- subject to final outcome of the trial and as such, he needs protection from this Court.

4. Learned APP would urge that as there is a strong *prima facie* case about involvement of the applicant in commission of crime, the application is liable to be rejected.

5. Considered submissions.

6. The statement of the co-accused depicts that at the behest of the applicant, online accounts were opened and the amounts therein were being operated / transferred by the applicant. The statement of the co-accused which can be considered for the purpose of investigation sufficiently implicates the applicant who alleged to have played major role in the commission of crime in question.

7. The *modus operandi* adopted by the accused persons in this crime is that by taking disadvantage of the lacunae in the Central Government's *Prime Minister Mudra Scheme*, they logged-in the accounts of the account holders and transferred amounts (the form of extortion and cheating). It is stated that the aforesaid modus of the commission of crime appears to be at the behest of the present applicant who is named to be one of the major beneficiaries in the series of such events which has given rise to the registration of crime in question.

8. In the aforesaid backdrop, considering the role attributed and the manner in which the applicant has committed the offence in question which has economic colour, no case for grant of bail is made out. The application, as such, stands rejected.

9. At this stage, Mr. Upadhyay, learned counsel for the applicant has

placed reliance on the affidavit of the applicant tendered today during the course of hearing whereby he has brought to the notice of the Court that applicant is getting married on 01.12.2021 in the State of Uttar Pradesh. On instructions, he submits that if the applicant is protected for a period of two weeks, he shall surrender to the Investigating Officer thereafter.

10. Since the statement is made on instructions, the same is accepted as an undertaking to this Court.

11. As such, the applicant is protected thereby directing the Investigating Officer not to take applicant in custody till 13.12.2021 by which date the applicant has undertaken to surrender before the Investigating Officer.

12. With the above directions, Application is rejected.

(NITIN W. SAMBRE, J.)

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