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MCRC-14528-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 29th OF APRIL, 2025

MISC. CRIMINAL CASE No. 14528 of 2025

GANESH

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Shashank Kumar Jain advocate for the applicant.

Shri Amit Raval public prosecutor for State.
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ORDER

This *first* application has been filed by applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail in connection with Crime No. 46/2021 registered at Cyber & Hi-tech Crime, District Cyber Cell for offence punishable under Sections 66C, 66D, 74 of Information Technology (Amendment) Act, 2008 and Sections 420, 34 of IPC. Applicant is in judicial custody since 22.5.2023.

As per the case of prosecution, Pawan Kumar Verma, Vice President of Pratibha Syntax Limited, Pithampur Dhar submitted a written complaint to State Cyber Cell, Indore with regard to cheating and forgery by illegal transfer of ten ROSL/ROSCTL Licenses worth Rs. 1,25,69,356/-. On enquiry of the complaint, it was revealed that ten numbers of ROSL/ROSCTL Licenses issued in favour of Pratibha Syntax Limited were illegally transferred using a forged Digital Signature Certificate (DSC)



in the account of Black Curve Incorporation, Badlapur, East Thane (Maharashtra). These licenses were transferred online by utilizing forged digital signature certificate. The E-Mudra company provider of digital signature certificates informed that digital signature certificate of Black Curve Incorporation is issued in favour of Ganesh Parshuram Chalvadi. Further investigation revealed that Black Curve Incorporation is registered by Ganesh Parshuram Chalvadi. The digital signature certificate utilized for transfer of the aforesaid certificate was investigated. The DSC provider Penta-Sign informed that alleged DSC certificate was issued in name of Asit Kumar Basu utilising the mobile phone number 9310759334 standing in name of Isharul Shah, but Asit Kumar Basu and Isharul Shah could not be traced at the given address. On such allegations, P.S. Cyber Cell registered FIR No. 46/2021 for offence punishable under Sections 66C, 66D, 74 of Information Technology (Amendment) Act, 2008 and Sections 420, 34 of IPC against unknown offender. Further investigation revealed that Ganesh Parshuram Chalvadi in conspiracy with Praveen Agrawal @ Sonu, Manish Agrawal @ Monu, Praveen Kumar @ Manoj Rana have created a forged company Black Curve Incorporation and transferred ten ROSL/ROSCTL Licenses of Pratibha Syntax Limited in the account of Black Curve Incorporation by utilising fake DSC. During investigation, Manish Agrawal was arrested. Other accused were absconded. Applicant Ganesh was arrested on 22.5.2023. He is in custody ever since. On completion of investigation, final report was submitted. The trial is underway.

Learned counsel for the applicant in addition to the grounds mentioned



in the application contends that the applicant is falsely implicated in this matter. He is an autorickshaw driver by profession. He himself is a victim of fraud and cheating. The Black Syntax Incorporation was registered in his name utilising his Aadhar Card and other documents. No offence, as alleged, is committed by the applicant. Learned counsel further submits that the allegation against the applicant is with regard to transfer of ROSL/ROSCTL Licenses in account of Black Curve Incorporation. The licenses have not been misused or further transferred till date. Therefore, no wrongful loss was caused to the complainant. The trial would take time to conclude. Applicant may be extended benefit of bail.

Per contra, learned counsel for the respondent/State opposes the bail application on the ground of gravity of alleged offence and cites criminal antecedent on similar allegation against the applicant at crime No. 251/2021 registered at P.S. Sector 31, Faridabad, Haryana.

In reply, learned counsel for the applicant submits that other matter is pending for trial. The applicant has been extended benefit of bail in other matter.

Allegedly, the applicant in association with co-accused transferred ten ROSL/ROSCTL Licenses of Pratibha Syntax Limited in account of Black Curve Incorporation. The material on record shows that the applicant was instrumental in registration of Black Curve Incorporation by utilising his identity documents. The ROSL/ROSCTL Licenses were transferred in the account of Black Curve Incorporation utilising fake DSC. Therefore, the complicity of the applicant in the alleged offence is *prima facie* made out



from the material on record. The alleged offence involves forgery of digital signature certificate and online transfer of licenses which has larger ramification on online trading system. The trial is progressing at an appropriate pace. Five witnesses have been examined before the trial Court.

Therefore, in the considered opinion of this Court, the applicant does not deserve to be released on bail. The bail application stands dismissed.

(SANJEEV S KALGAONKAR)
JUDGE

BDJ