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MCRC-14880-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 29th OF APRIL, 2025MISC. CRIMINAL CASE No. 14880 of 2025*MANISH**Versus**THE STATE OF M. P.*

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Appearance:

Lucky Jain advocate for the applicant.

Shri Amit Raval public prosecutor for the State.

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ORDER

This third 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, 467, 468, 471, 34 of IPC. Applicant is in judicial custody since 20.5.2022. First bail application was dismissed as withdrawn *vide* order dated 13.9.2022 passed in MCRC No. 43461/2022 and second bail application was dismissed on merit *vide* order dated 12.12.2023 passed in MCRC No. 28984/2023.

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, applicant Manish Agrawal was arrested on 20.5.2022. He is in custody ever since. Other accused were absconded. On completion of investigation, final report was submitted. The trial is underway.

Learned counsel for the applicant submits that the applicant is implicated in this matter merely on suspicion of facilitating issuance of forged digital signature certificate which was utilised for transfer of ROSL/ROSCTL licenses. The



applicant is aged around 43 years and he is in private job. There is no material to substantiate the allegation against the applicant. Trial would take time to conclude. Therefore, the 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.

Heard the arguments, perused the grounds for grant of bail stated in the application and the case diary.

Applicant's earlier bail application under Section 439 of the Cr.P.C was dismissed after hearing the applicant extensively which was affirmed by the Supreme Court. The material on record *prima facie* implicates the applicant with the alleged offence. The trial is progressing at an appropriate pace. Five witnesses have been examined before the trial Court. Applicant has failed to demonstrate any material change in circumstances, therefore, the third bail application, being devoid of merits, is hereby dismissed.

Certified copy as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

BDJ