

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3459 OF 2026

Mayank Purushottam Gupta

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Ms. Sana Raees Khan a/w Mr. Jinay Jain, Advocates for Applicant
- Mr. Amit A. Palkar, APP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 16, 2026

P. C.:

1. Heard Ms. Khan, learned Advocate for Applicant and Mr. Palkar, learned APP for State.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No. 13 of 2026 registered with Cyber Crime Police Station, Nashik for the offences punishable under Sections 318(4), 316(2), 316(5), 61(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023; Sections 3 & 4 of Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 and 66(D) of Information Technology Act, 2000.

3. Applicant in the present case is indicted in an offense of cheating and breach of trust as also under the MPID Act for having received 7.56 crore as credit in his bank account, rather in his father's bank account.

4. It is *Prima facie* seen from the record that the Applicant who is arrayed as accused No. 5 has been alleged to have received the aforesaid amount in the bank account of his father. The Applicant was in fact called from Rajasthan to attend the hearing after issuing the Section 35(3) notice, copy of which is appended at page No. 113 of the Application. He received the notice on 02.03.2026 and came to Bombay to record his statement and furnish the details. However, when he approached the police on 06.03.2026, he was straightaway handed over the reasons for his arrest under section 47(1) without any due inquiry as contemplated under section 35(4).

5. It is seen that the Applicant was given notice under Section 35(1)(b)(ii) and without contemplating and carrying out any inquiry whatsoever as contemplated under Sections 35(4) to 35(6), he was straightaway handed over the grounds of arrest dated 06.03.2026, copy of which is appended at page 115 of the Application.

6. The case of the Applicant before me is clearly covered by the decision of this Court in the case of *Kisan Nagnath Pawar v. The State of Maharashtra*¹ and *Omkar Balkrushna Gade & Ors. v. The State of Maharashtra*².

1 Order dated 25.08.2026 in Bail Application No. 4859 of 2025

2 Order dated 10.09.2026 passed in Bail Application No. 2899 of 2026

7. Ms. Khan also addressed the Court on merits of the matter whereby the ledger account of the Applicant having been maintained by the father of the Applicant *qua* his trading account wherein the trading of wheat has taken place.

8. *Prima facie* arguments are made out on the basis of the aforesaid grounds and therefore, I am inclined to allow the present Bail Application.

9. In view of the above, Applicant is released on bail on the following terms and conditions:-

- (i) Applicant is directed to be immediately released from prison in connection with C.R. No. 13 of 2026;
- (ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 50,000/- (Rs. Fifty Thousand Only) with one or two sureties in the like amount;
- (iii) Applicant shall report to the concerned Investigating Officer, once every month on the first Sunday of the month between 10:00 a.m. to 12:00 p.m.;
- (iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary

adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

- (v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court. He shall deposit his passport, if any, with the Trial Court within one week of being released from prison;
- (vi) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;
- (vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and
- (viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

10. Needless to state that the above observations will not come in the way of trial as they are *prima facie* in nature based on the submissions made and the material placed before this Court.

11. Bail Application is allowed and disposed of in the above terms.

[MILIND N. JADHAV, J.]

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by RAVINDRA
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AMBERKAR
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2026.09.16
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