IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2700 OF 2026 (S-11)

Rakesh S/o. Rajendra Prasad Khetan …Applicant

Versus

The State of Maharashtra And State of Assam …Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 2701 OF 2026 (S-12)

Rakesh S/o. Rajendra Prasad Khetan …Applicant

Versus

The State of Maharashtra And Anr. …Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 2703 OF 2026 (S-13)

Rakesh S/o. Rajendra Prasad Khetan …Applicant

Versus

The State of Maharashtra And State of Delhi …Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 2704 OF 2026 (S-14)

Rakesh S/o. Rajendra Prasad Khetan …Applicant

Versus

The State of Maharashtra And State of Gujarat …Respondents

Adv. Anand Mishra a/w Adv. Niraj Yadav, Adv. Abdullah Shaikh, Adv. Kavita Gandhi, for Applicant.

Mr. Ashok S. Gawai, APP., for Respondent – State in ABA No. 2700/2026.

Mrs. Geeta P. Mulekar, APP, for Respondent – State in ABA No. 2701/2026 and ABA No. 2703/2026.

Mr. Arfan Sait, A.P. P., for Respondent – State in ABA No. 2704/2026.

API Pandit Shirse, MIDC Police Station, Mumbai, is present.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 30TH SEPTEMBER 2026

P. C:-

COMMON ORDER

1. Heard learned counsel for applicant as well as learned Assistant Public Prosecutors in respective matters.

2. The applicant has filed these four applications under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "**BNSS**") seeking transit anticipatory bail in connection with offences registered against him in four different jurisdictions. In these applications the applicant has stated that he has apprehension of arrest by respective police stations, which is based on allegations of economic cyber offences in varied manners and has therefore approached to this Court seeking transit anticipatory bail.

In Anticipatory Bail Application No. 2700 of 2026

Apprehending arrest in connection with offence registered with Assam Guwahati Central Chandmari Police Station, Assam, for the offence punishable under Stations 318(4), 319(2) of The Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) and 66(D) of

The Information Technology Act, 2000, the applicant has filed instant application.

In Anticipatory Bail Application No. 2701 of 2026

Apprehending arrest in connection with Crime No. 283 of 2026 dated 21.08.2026, registered with Ratnagiri City Police Station, Ratnagiri, for the offence punishable under Stations 318(4), 319(2) of The Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) and 66(D) of The Information Technology Act, 2000, the applicant has filed instant application.

In Anticipatory Bail Application No. 2703 of 2026

Apprehending arrest in connection with offence registered with Delhi Special Cell (SB) Police Station, Delhi for the offence punishable under Stations 318(4), 319(2) of The Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) and 66(D) of The Information Technology Act, 2000, the applicant has filed instant application.

In Anticipatory Bail Application No. 2704 of 2026

The applicant is apprehending arrest in connection Crime No. 11214008261014 of 2026, registered with Bardoli Town Police Station, Surat, State of Gujarat, for the offence punishable under Stations 308(6), 127(4), 317(4), 318(4), 319(2), 336(3),

337, 340(2), 61(2)(A) of The Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) and 66(D) of The Information Technology Act, 2000 and for seeking pre-arrest transit anticipatory bail, the applicant has filed instant application.

3. Learned counsel for applicant submits that the applicant has apprehension of arrest in view of offences registered against him at above mentioned police stations on the basis of allegations made by the respective complainants. The crux of the prosecution case in all the FIRs is based on the allegations of Cyber fraud allegedly committed against the complainants therein. It is alleged in the reports that the complainant has received a phone call from certain persons who claimed themselves to be representatives of Ministry of India or Mumbai Police and DSP and conveyed to the complainant that various complainants were received by the Government with respect to the mobile number of the complainant and since severe action was contemplated against the complainant, they were induced to pay huge amounts to those persons.

Details of Offences : -

4. In **ABA No. 2700 of 2026**, it is alleged that the FIR came to be registered with Assam Guwahati Central Chandmari Police Station, Assam, in connection with economic fraud perpetrated against the applicant. The applicant has not filed on record any copy of FIR in this case. It is alleged that certain amount was transferred by the complainant to the accounts of the accused persons, which in turn was diverted to different accounts including account of this applicant and ultimately the complainants were cheated.

In **ABA No. 2701 of 2026**, FIR No. 283 of 2026 came to be registered with Ratnagiri Police Station, Dist. Ratnagiri, in which the complainant has alleged that he was induced to pay an amount of Rs. 87,45,543/- by using threat perception by the accused persons. It is alleged that the said amount was transferred by the accused persons to different accounts including account of this applicant, which was subsequently transferred to further accounts and ultimately the complainants were cheated.

In **ABA No. 2703 of 2026**, a FIR came to be registered with Delhi Special Cell (SB) Police Station, Delhi where it is alleged that on review of the applicant's account records, it was revealed that high-velocity transactions had taken place reflecting withdrawal of a near-identical sum from applicant's account on the very same day. In this case, the applicant has not filed copy of FIR in this offence.

In **ABA No. 2704 of 2026**, the FIR bearing No. 11214008261014 of 2026, registered with Bardoli Town Police Station, Surat, State of Gujarat is registered on the allegation that the complainant was defrauded of Rs. 2,96,00,000/- through a digital arrest scam. It is alleged that the accused impersonated as officials from the ED, CBI, RBI and the Bombay High Court and thus by exploiting fear, threatened the complainant with 10 years of imprisonment in a Mumbai prison to induce the massive financial transfer. It is alleged that the said amount was transferred by the accused persons to different accounts including account of this applicant, which was subsequently transferred to further accounts and ultimately the complainants were cheated. Shocking to note, in this report it is alleged that the accused persons have forwarded to the

complainant a fake arrest warrant and communication with fake signature and stamp of The Chief Justice of Bombay High Court.

Arguments advanced on behalf of Applicant : -

5. Advocate Anand Mishra Learned counsel for applicant submits that the crux of all the allegations is that the accused persons have allegedly transferred the substantial amounts in his account and only for this reason, his name is likely to be implicated.

The submissions of applicant are briefly stated thus

(i) It is submitted that the applicant has no connection with the entire offences and in fact the applicant's SIM card is misused by certain persons for the purpose of committing the offence and the applicant himself is a victim.

(ii) The applicant and his wife were in a need of financial assistance for their business purpose and they came in contact with Mr. Dattatray Raghunath Sarode, who introduced them with one Mr. Atul Singh and in turn with Mr. Rakesh Khetan. On their instructions, the applicant reached at Faridabad where he

met certain other persons who assured them of granting financial assistance of Rs. 5,00,00,000/-. It is stated that on the say of those persons the applicant handed over SIM card of his mobile, which is ultimately misused by them for the purpose of collecting huge amounts from the complainants and thereby committed Cyber fraud.

(iii) It is thus submitted by the applicant that without his knowledge his SIM card is misused and he is made the scapegoat. He submits that on the basis of Cyber fraud committed by the other accused persons, the name of this applicant is implicated and therefore he has an apprehension of arrest by respective police stations.

(iv) The applicant has categorically submitted that total amount of Rs. 2,00,30,000/- (Rupees Two Crore Thirty Thousands only) was transferred in the account of applicant's company by name 'GPRS REALTY' maintained with ICICI Bank and the said amount got transferred to different accounts.

(v) The applicant has also alleged that having realised that huge transactions were made from his account and therefore he has also approached to the police authorities at MIDC Police Station,

Andheri East, Brihanmumbai. He submitted that after visiting the police station it was revealed that an offence is registered against the applicant at Ratnagiri Police Station, Dist. Ratnagiri and it was revealed that several other offences were likely to be registered against the applicant at several other places. He has stated that he has lodged a complaint with Cyber Crime on 26th August 2026, however, it was revealed that several offences were registered against the applicant and in view of this, the applicant has apprehension of arrest.

6. In short, the submissions of applicant are that he himself is a victim since his SIM card is used by the accused persons without his permission. He also submits that there are no allegations in the FIR against the applicant, neither his SIM card was used for making any calls to the complainants and as such merely because certain amount was received in his account he can not be branded as an accused persons. In view of the above, the applicant has approached to the Sessions Court seeking transit anticipatory bail in connection with all the offences, however his applications came to be rejected and has thereafter filed the instant applications seeking transit anticipatory bail.

7. By relying on the judgment of the Hon'ble Supreme Court in the matter of ***Priya Indoria Versus State of Karnataka and others*** reported in ***(2024) 4 SCC 749***, learned counsel for applicant submitted that the applicant be granted transit anticipatory bail for a limited period for enabling him to approach to the respective Sessions Court in different States for seeking anticipatory bail.

Arguments advanced by Assistant Public Prosecutors : -

8. As against this, learned Assistant Public Prosecutors for respondent - State in all the matters have vehemently opposed the applications. Learned APPs for respondent – State has submitted that the applicant has failed to make out the case for seeking transit anticipatory bail since he has failed to demonstrate any exceptional circumstances showing his inability to approach to the concerned Sessions Courts in whose jurisdiction the offences are registered. It is also submitted that the applicant has failed to demonstrate any apprehension of violation of his right to liberty owing to arbitrariness of the police authorities and as such the applicant has failed to establish a case of transit anticipatory bail even in accordance

with the parameters laid down by the judgment of the Hon'ble Supreme Court in the matter of **Priya Indoria** (*cited supra*).

9. It is also submitted that in Anticipatory Bail Application No. 2704 of 2026, the applicant has prayed for blanket anticipatory bail and this is gross misuse of the right to seek transit anticipatory bail. With respect to the said offences, although the applicant alleges to have submitted the complaint on 3rd September 2026 at MIDC Police Station, Andheri. Mumbai, it is pointed out by the learned APP that the applicant himself has failed to attend to the MIDC Police Station, Andheri even after he was repeatedly called. Thus, it is submitted that the applicant has avoided co-operation to the investigating agency and is not entitled to seek any protection as claimed. Further, it is also submitted that considering the gravity and magnitude of the offences showing a Cyber fraud to the tune of Rs. 2,00,30,000/- which is routed through the account of this applicant, his involvement in the offence is apparent and therefore, the applicant is not entitled for any kind of protection in the nature of transit anticipatory bail.

Consideration of the contentions and reasons : -

10. In the backdrop of above submissions rival contentions fall for my consideration.

11. It has to be noted that the applicant has prayed for grant of transit anticipatory bail in all the above referred four offences. As such the position of law as laid down by the Hon'ble Supreme Court in several matters including the judgment of **Priya Indoria** (*cited supra*) needs to be primarily considered while entertaining these applications. The position of law is reiterated by the Hon'ble Supreme Court holding that power to grant extra-territorial anticipatory bail should be exercised in exceptional and compelling circumstances. It has also to be noted that while considering the application for extra territorial anticipatory bail, the Court is empowered to grant interim protection for a fixed period and direct the applicant to make an application before the court of competent jurisdiction. The position of law is finetuned by the Hon'ble Supreme Court in the judgment of **Priya Indoria** (Supra) holding in para 93.4 that

> *" The applicant for anticipatory bail must satisfy the court regarding his inability to seek anticipatory bail from the court which has the territorial jurisdiction to take cognizance of the offence. "*

12. As such, it becomes amply clear that the applicant has to make out an exceptional case and show compelling circumstances to seek extra-territorial anticipatory bail and on the basis of such compelling circumstances, the Court must record its satisfaction that a case is made out for grant of interim protection, even for a fixed period.

13. In the backdrop of legal position, when the instant applications are considered, it has to be noted that the First Information Report in all the four cases were filed prior to one month. Pertinent to note,

(a) In ABA No. 2701 of 2026, the FIR (Ratnagiri Police Station) is dated 21st August 2026;

(b) In ABA No. 2704 of 2026, the FIR (Bardoli Town Police Station, Surat, State of Gujarat) is dated 31st August 2026;

(c) In ABA No. 2703 of 2026, the FIR with Delhi Special Cell (SB) Police Station, Delhi is prior to 3rd September 2026 (which is the date of notice under section 35(3) of BNSS - Exh. O) ; and

(d) In ABA No. 2700 of 2026, the FIR with Assam Guwahati Central Chandmari Police Station, Assam, is prior to 3rd September 2026(which is the date of notice under section 35(3) of BNSS – Exh. O).

In this regard, it has to be noted that the applicant has not filed copies of FIR in ABA Nos. 2703 of 2026 and 2700 of 2026, but has filed the Notices (at Exh. 'O') under section 35(3) of BNSS. It has also to be noted that the applicant himself stated (in Para – 13 in ABA No. 2703 of 2026 and ABA No. 2700 of 2026) that total five FIRs are registered against the applicant.

14. It has to be noted that the applicant has only averred in the applications that offences are registered against him and therefore, he has apprehension of arrest. Pertinent to note, the applicant has failed to specifically point out on affidavit any reasons showing his inability to seek anticipatory bail from the court which has the territorial jurisdiction to take cognizance of offences. It is crucial to note that the FIRs are registered against the applicant prior to more than one month and as such it was imperative for the applicant to satisfy the Court regarding compelling circumstances showing his inability to approach to

the concerned Courts. Mere registration of FIRs is sought to be projected as compelling circumstances and only because offences are registered, the applicant has straightway approached to this Court for seeking transit anticipatory bail. It has to be noted that even for seeking transit anticipatory bail, the applicant has to make out the case for seeking protection under Section 482 of BNSS. As such, the factors which are required to be considered while granting anticipatory bail need to be considered, rather with more precaution, while granting extra-territorial anticipatory bail.

Although the applicant is seeking transit anticipatory bail and interim protection for a fixed period, I am of the opinion that even while considering the grant of such protection for a limited period, all the factors including nature and gravity of accusations, possibility of the applicant to flee from justice and other relevant factors needs to be considered. Transit anticipatory bail cannot be sought for merely because the same is prayed for a limited period.

15. In view of the above considerations if the applications filed by the applicant are considered, it has to be noted that the

applicant has failed to demonstrate any reasons showing his inability to seek anticipatory bail from the Court which has got the territorial jurisdiction to take cognizance of offence. After giving anxious consideration to the contentions of the applicant, I am not satisfied that the applicant has made out the case for seeking protection of extra-territorial anticipatory bail. Hence, I am of the considered opinion that all the four applications deserve to be rejected and accordingly, all the four applications are rejected.

(PRAFULLA S. KHUBALKAR, J.)

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