

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 3948 OF 2024

Mr. Ahmed Nazir Gazi	 Applicant
Vs.	
The State of Maharashtra	 Respondent

Ms. Radhika Navandar for the Applicant.
Ms. Ranjana Humane, APP for the Respondent-State.
Mr. Vaibhav Patil, PSI, Cyber Police Station, Pimpri-Chinchwad Police Station, present.

CORAM : SHYAM C. CHANDAK, J.

**DATED : 08th NOVEMBER, 2024
(VACATION COURT)**

P.C. :-

. This is an Application for bail under Section 439 of Cr.P.C. The Applicant is arrested in C.R.No.306/2024 registered at Wakad Police Station, District Pune for the offences punishable under Sections 419 and 420 of the I.P.C. and Section 66-D of the Information Technology Act, 2000.

2) The Investigating Officer, through learned APP, submitted a report. It is taken on record.

3) The facts giving rise to this Application are that, between 2nd January, 2024 to 05th March 2024, the Applicant and the co-accused caused the informant Soniya Goyal to invest her money in Companies namely IBKR, Cresset Academy, Goldman Sachs, with a false assurance

that the investment will earn her good returns. On winning the confidence of informant, the Applicant and the co-accused added the informant in a telegram group, sent her WhatsApp messages from time to time and made her to deposit total Rs.10,69,575/- in various bank accounts. However, the informant never received her money back. Thus, the Applicant and the co-accused persons cheated the informant. Therefore, on 15th March 2024, the informant lodged the FIR with Wakad Police Station. In turn, the Police registered the aforesaid crime.

4) During investigation, police arrested the Applicant on 21st March, 2024. Thereafter, when the Applicant was in judicial custody, he applied for regular bail before the trial Court. However, the learned Judicial Magistrate First Class, Pune rejected his bail application on 02nd April, 2024. Thereafter, the Applicant filed a Criminal Bail Application No.2705/2024 before the Sessions Court, at Pune. Said Application was also rejected on 04th June, 2024. Meanwhile, charge-sheet came to be filed in the crime. Thereafter, again the Applicant approached the trial Court as well as the Sessions Court for bail but was unsuccessful. Hence, this Application.

5) Learned Advocate Ms. Navandar for the Applicant submits that, since his arrest on 21st March 2024, the Applicant is behind bars. The investigation in the crime is over and charge-sheet is submitted. The detention of the Applicant in jail will not serve any purpose. She submits that, there is no direct evidence against the Applicant showing his

involvement in the crime. Insofar as the circumstantial evidence is concerned, she submits that, the said evidence is insufficient to connect the Applicant with this crime. She submits that, the Applicant is suffering from epilepsy. In three other crimes the Applicant is on bail. Therefore, the Applicant may be admitted to bail

6) The learned APP Ms. Humane opposed the Application strongly. She submits that, there is *prima facie* case against the Applicant of having cheated the informant. Three more crimes of same nature have been registered against the Applicant. The Applicant is likely to commit similar offence again. He is also likely to abscond. Hence, bail be refused.

7) The trial Court and Sessions Court rejected the bail applications of the Applicants for the reason that, there is a *prima facie* case against the Applicant. Similar kind of offences are registered against the Applicant. There are 177 complaint on NCCR portal of similar nature. However, learned Advocate Ms. Navandar submits that, in 03 of the 04 crimes, the Applicant is on bail. The learned Advocate for the Applicant submits that, in one of the case, hearing of the prosecution witness has already started. The Investigating Officer stated that, in relation to the said 177 complaint, only two crimes are registered against the present Applicant, which are included in the said 4 crimes i.e., C.R.No.158/2024 at Bhosari Police Station and C.R.No.115/2024 at Sangavi Police Station. The Investigating Officer stated that, since the said complaints are registered with NCCR portal only, it cannot be said with certainty as to

whether more crimes have been registered against the Applicant or not. On referring the prison hospital medical report, the Investigation Officer stated that the Applicant is a known case of Epilepsy and on medical treatment. However, presently, the Applicant is stable. Appropriate bail conditions will prevent the Applicant from absconding.

8) In view of the above discussion and having regard to the medical condition of the Applicant, there is no hurdle to release the Applicant on bail. The Application succeeds thus. Hence, following Order :-

- (a) Bail Application No.3948 of 2024 is allowed.
- (b) The Applicant – Ahmed Nazir Gazi shall be released on bail in C.R.No.306/2024 registered at Wakad Police Station, District Pune for offences punishable under Sections 419, 420 of the IPC and Section 66(D) of the Information Technology Act, on his furnishing P.R. bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (c) Bail before the trial Court.
- (d) The Applicant shall attend the concerned Investigating Officer at Wakad Police Station, Pune once in a month between 1st to 3rd date of each month, till the trial in this crime is over.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not threaten the prosecution

witnesses, in any manner.

(f) The Applicant shall furnish his mobile number and detailed address to the concerned Investigating Officer and a change therein, if any.

9) Bail Application stands disposed of in above terms.

10) All the concerned to act on an authenticated copy of this Order.

PREETI
HEERO
JAYANI

Digitally signed by
PREETI HEERO
JAYANI
Date: 2024.11.08
20:13:56 +0530

(SHYAM C. CHANDAK, J.)