



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 314 OF 2025

Shalin S/o. Dipak Asudani,
Age : 21 years, Occu. : Education,
R/o. House No. 21, Block No.4,
Sagar Vihar Colony, Don Bosco Nagar,
Savedi, Ahilyanagar (Ahmednagar). ... Applicant

Versus

The State of Maharashtra,
(Through Dharashiv Cyber Police Station,
District Dharashiv) ... Respondent

.....
Mr. Nilesh S. Ghanekar, Advocate for Applicant.
Mr. S. B. Narwade, APP for Respondent – State.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 20 MARCH, 2025

PRONOUNCED ON : 21 MARCH, 2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in Crime No.06 of 2024 registered at Dharashiv Police Station, Dist. Dharashiv for offence punishable under sections 420 of Indian Penal Code and sections 66, 66C and 66D of the Information Technology Act.

2. Learned counsel for applicant submitted that, applicant is a boy of 21 years having no criminal antecedents. He

pointed out that, applicant is arrested in a crime which is apparently registered against unknown person. According to him, in above crime allegations are raised that assurance of huge returns on investment were posted on *whats app* and complainant time to time invested Rs.13,00,000/-, but it turned out to be fraud. Learned counsel pointed out that, present applicant is not the main accused. That, other accused used his mobile and sim cards for committing above offence. He submitted that, there is nothing to show that present applicant is beneficiary of any of the amount allegedly invested by informant and entire charge sheet has no material in that regard. As applicant is ready to abide all and any conditions deemed fit by this court, learned counsel seeks grant of bail.

3. Learned APP opposed on the ground that, there is cheating to the informant by luring him with huge returns. That, investigation revealed involvement of applicant and others. Learned APP pointed out that, 12 sims were found in his possession and hence for above reasons, learned APP has opposed any relief.

4. Perused the FIR dated 11.06.2024 at the instance of one Annasaheb Shelar. He reported Cyber crime police station

that, on 15.04.2024, he came to be added on a *whats app* group on some stock market site. He started receiving messages of doubling the investments and downloaded the app and started investing. Initially also he realized that he was getting good returns. Therefore, from 15.04.2024 upto 18.05.2024 at various times, he invested various amount in total to the tune of Rs.13,06,000/- by way of online mode. But, later on realized that he has been cheated and fraud has been played on him and hence he sought action against concerned person.

5. Learned APP opposed on the ground that sims are recovered from the applicant. In trial court, Investigating Officer placed papers from which it is emerged that, present applicant's mobile was used by one Neeraj Nawalani for carrying out various financial transactions by alluring handsome returns. Learned APP pointed out that, applicant was in constant contact with main accused. However, say of Investigating Officer before learned trial court indicated that applicant's handset was operated by other accused and when learned APP could not point out any money trail reaching present applicant and as investigation is already said to be over, relief as prayed deserves to be granted by imposing conditions. Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Shalin S/o. Dipak Asudani be released on bail in connection with Crime No.06 of 2024 registered with Dharashiv Police Station, Dist. Dharashiv, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)