



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2211 OF 2024

Samim Liyaqat Ali
Age : 28 Years, Occ. Nil,
R/o. Katra Bazar, Karesganj,
Dist. Gonda, Uttar Pradesh. ... Applicant

Versus

The State of Maharashtra
Through its Investigating Officer,
Cyber Police Station,
Tq. and Dist. Jalgaon. ... Respondent

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Mr. Harshal P. Randhir, Advocate for the Applicant.
Mr. P. K. Lakhotiya, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 17.02.2025

ORDER :

1. By present application, applicant seeks grant of regular bail on account of his arrest in crime no. 0017 of 2024 registered at Jalgaon Cyber Police Station, District Jalgaon for offences punishable under Section 420 of IPC and Section 66-D of the Information Technology Act, 2000.

2. Pointing to the FIR, learned counsel submitted that apparently there is false implication. That, there are allegations that on WhatsApp group, amounts are transferred on assuring some sale of

shares in share market. It is pointed out that present applicant is named on the statement given by co-accused, however, such person was never arrested. That, applicant is behind bars since August 2024. Investigation is already over. Nothing further is to be recovered or discovered at the applicant's instance and hence, learned counsel seeks grant of bail on any condition imposed by this Court.

3. While opposing the bail application, learned APP pointed out that applicant is found to be luring persons for investment, opening savings accounts and then getting amounts transferred. It is his *modus operandi*. That, similar crimes are committed by him by using the others' accounts. Learned APP opposes primarily on the ground that applicant is resident of other State and there is every possibility of misusing the liberty.

4. Heard. After considering the submissions of both sides and on going through the papers, it seems that one Rakeshkumar Pande has approached Cyber Police Station, Jalgaon on 14.03.2024 reporting that he has maintained savings account in Union Bank and he has downloaded a mobile banking application by name "Vyom" and that he also has a Facebook account. He has reported that on 07.01.2024 he received an unknown link on his Facebook account requesting him to join a WhatsApp group. Operating the link, he got connected to the

said group named “Stock Discussion Group” and there he seems to have received message asking him to sent a request message on a particular WhatsApp number for opening Institutional Account and assurance was given that if he invests money in share market, he will get shares at 5% reduced rate. He also claims that he sent a message on said WhatsApp number on 11.01.2024 whereupon he received another link and a code. On 12.01.2024 he operated the said link by which a stock market related application named “real home” got downloaded in his mobile. On 16.01.2024, on the advice of WhatsApp group admin, he subscribed for shares to the tune of Rs.50,000/- through said “real home” application. He further reported that thereafter till 07.03.2024, on the instructions of said WhatsApp group admin, he purchased shares using said “real home” application. He has finally claimed that by offering shares at 5% reduced rate, he has been lured to invest money to the tune of Rs.40,21,140/-, but he never received money or returns from the investment. On above report, crime seems to have been registered.

5. Now, applicant is said to be arrested on 07.08.2024. Charge sheet is said to be filed on 04.10.2024. There are no immediate prospects of matter going for trial. Nothing is further shown to be recovered at his instance. Apprehension of learned APP that, applicant

is from another State and there is possibility of misusing the liberty, can be taken care of by imposing stringent conditions. Hence, I proceed to pass the following order :

ORDER

- I. The application is allowed.
- II. Applicant Samim Liyaqat Ali, be released on bail in connection with Crime No. 0017 of 2024 registered at Jalgaon Cyber Police Station, District Jalgaon, on executing Personal Bond of Rs. 50,000/- with one local surety in the like amount, on 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 attend the concerned Police Station twice in every week i.e. on every Monday and Friday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.
 - [d] The applicant shall maintain a personal diary of his attendance at the concerned police station.
- III. Parties to act on an authenticated copy of the order.

[ABHAY S. WAGHWASE, J.]