



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1005 BAIL APPLICATION NO.1071 OF 2025

DIPAKKUMAR GHANSHAMBHAI JOSHI

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr.Sujeet G.Karlekar h/f. Mr.Akshay
S. Karlekar & Mr.P.D.Jain & Company
APP for Respondent-State : Mrs.A.S.Mantri

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CORAM : ARUN R. PEDNEKER, J.

DATE : 25.06.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he is arrested on on 22.02.2025 in connection with Crime No.06/2025, registered with Cyber Police Station, Ahmednagar, for the offence punishable under Sections 318 (2), 318 (4), 319 (2) of the Bharatiya Nyaya Sanhita, 2023 and Section 66-D of the Information Technology Act, 2000.

3] It is the case of the prosecution that as per the instigation of unknown person, the informant had invested amount of Rs.1,10,80,000/- in SMC Global Securities. The said unknown person assured that he will pay 20% to 30% return from the share market. The informant made a

request to withdraw the amount, however, on one or other pretext, he avoided the said withdrawal and the informant felt cheated. As such, the FIR is registered against the unknown persons.

4] The learned counsel for the applicant submits that during the investigation it transpires that the amounts were deposited by the complainant in the account of accused nos. 1 to 4 and they have withdrawn the money from the bank accounts and given to the present applicant so as to transmit the same to the other persons. As such, the present applicant is added as one of the accused in the alleged crime. It has come in the statement of Rajendrasingh that they used to hand over the amount to the present applicant so as to transmit the said amount to the various other persons. He further submits that the applicant is arrested on 22.02.2025 and since then he is in jail. Charge sheet is filed in the matter. He further submits that by order dated 06.02.2025, the Judicial Magistrate First Class, Ahmednagar has granted bail in favour of the co-accused nos.1 to 4 and the bail application of the accused nos.5 and 6 are rejected. The present applicant is accused no.6. He further submits that the applicant is working in the Angadiya firm and his routine professional activity involves the legitimate transfer of small parcels and cash from one point to another on behalf of the clients. He further submits that the role of the applicant is not higher

than the role of the accused nos.1 to 4 and they are released on bail by the Judicial Magistrate First Class, Ahmednagar. Considering the said fact, the bail should be granted in favour of the applicant.

5] *Per contra*, the learned APP submits that the applicant has received money from the accused nos.1 to 4 for the purpose of transmitting to the other places i.e. Mumbai, Surat, Baroda, Pune etc. and the role of the applicant is clearly visible in the crime.

6] Considering that the main beneficiaries i.e. accused nos.1 to 4 are granted bail by the Judicial Magistrate First Class, Ahmednagar, so also, that there are no antecedents against the present applicant and the role of the applicant is to transfer the money from one point to another only and he gets commission for the said work and being not direct beneficiary of the crime proceeds, the applicant is granted bail on the ground of parity. However, in the event, the bail granted to the accused nos.1 to 4 is cancelled for any reasons, the prosecution would be at liberty to apply for cancellation of bail. In view of the same, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 06/2025, registered with Cyber Police Station, Ahmednagar, for the offence

punishable under Sections 318 (2), 318 (4), 319 (2) of the Bharatiya Nyaya Sanhita, 2023 and Section 66-D of the Information Technology Act, 2000 , on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

7] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant

shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC