Ajit Pathrikar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 5336 OF 2024

Stalin Arputha Raj A ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Nikhil G. Hire *a/w Ketan Barot, for the Applicant.*
Ms. Anamika Malhotra, *APP for the State-Respondent.*
PSI – C. V. More, *Nalasopara Police Station, is present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 15th DECEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 520 of 2022 dated 16th November 2022 registered with the Nalasopara Police Station for the offences punishable under Section 420 of the Indian Penal Code, 1860 ('IPC') and Sections 66(c) and 66(d) of the Information Technology Act, 2000 ('IT Act').

2. The prosecution story, as discerned from the FIR, is that the First Informant received a call on her mobile phone. The caller one Priyanka shared the details of an application under the name and style of "Yatri and Tikki" with the First Informant. Said Priyanka portrayed that, for her company Joyzone Limited, she was conducting a survey and assured that after a completion of the survey, a commission in the form of a reward would be given to the First Informant. Thereafter, the First Informant received another message on her WhatsApp asking her a question with three options. She was assured a reward, if she completed the task of answering the question. The First Informant answered and an amount of Rs. 150/- was deposited in her account. Being lured by this app and the tasks for reward offered by the sender, the First Informant continued to solve the tasks offered on her WhatsApp number. Later on, she was directed to deposit a cheque of Rs. 2 Lakhs in the account of one Amir Mansuri. She was earlier asked to deposit Rs. 50,000/- in the bank account of one Manish Savle and was offered huge rewards. She also deposited another Rs. 2,50,000/- in the account of Amir Mansuri. Totally, she lost an amount of Rs. 7,50,000/- on the said app. Thereafter, she realized that the entire operation was a scam and she had been cheated. She thus complaint to the police, consequent to which the FIR was registered and upon investigation, the present Applicant was arrested as one of the associates of the company.

3. Mr. Nikhil Hire, learned Counsel for the Applicant, submits that the Applicant had nothing to do with the said company at the relevant time. He states that the Applicant had already resigned from the company and had joined Kotak Mahindra Bank in the year 2021. He submits that the persons responsible for the said fraud, namely Mr. Gowindswami, Mr. Chitravel and a girl named Shruti are not arrested and the Investigating Agency has simply arrested the Applicant since he was available. He submits that this is a case of false implication. He submits that no amount was recovered from the Applicant and that there is no recovery made from him. He thus prays that the Applicant be release on bail.

4. Per contra, Ms. Anamika Malhotra, learned APP, submits that the crime proceeds were deposited in the bank accounts of others who are connected with the present Applicant. The documents to open the bank account was provided by the present Applicant. Hence, she submits that the present Applicant is the kingpin of the said scam. She further submits that he is totally involved in defrauding the First Informant and others like her and hence, the Application be rejected.

5. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

6. Admittedly, the First Informant was induced to deposit amounts in the account of Amir Mansuri and Manish Savle. The phone call made to her which initiated the entire chronology of events was made by one Priyanka. There is also another woman called Shruti who has interacted with the First Informant. There is no material on record to demonstrate the involvement of the present Applicant, save and except the fact that prior to 2021, the present Applicant was associated with the company Joyzone. From the year 2021, the Applicant is serving with Kotak Mahindra Bank. He is in custody since 27th February 2024 and till date, charges are not framed against him.

7. In view of the aforesaid, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/ with one or two local sureties in the like amount;

ii) The Applicant shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.

iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

iv) The Applicant shall not leave India, without permission of the trial Court;

v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)