

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2030 OF 2024**

Shorabh C/o Sajjad Hussain ...Applicant
Versus
State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2031 OF 2024**

Sayed Zoheir Abbas ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Tukaram Shendge for the Applicants.
Mr. Kiran Shinde, APP for State.
Ms. Savita Kadam, API, North Region Cyber Police Station, Crime Branch
Mumbai is present.

**CORAM : ADVAIT M. SETHNA, J.
DATE : 6 OCTOBER 2025**

PC.:-

1. The Applicants have preferred these Anticipatory Bail Applications as they apprehend arrest. There are two applications filed for anticipatory bail. By consent of the parties, both the applications can be disposed of by a common order.

2. Heard learned counsel for the parties and with their assistance, the Court has perused the record. The proceedings relate to CR No.0097 of 2023. The FIR has been lodged on 21 November 2023 at 20:12 hours by the North Region Cyber Police Station, Mumbai. The alleged offences are under

Sections 120-B, 419, 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860 (“**IPC**”) read with Section 66(C) and 66(D) of the Information Technology Act, 2000 (“**IT Act**”). From the record and on a perusal of the FIR, it appears that the investigation reveals that certain amounts from the account of the informant were transferred to various banks. Certain payments have been made by the informant to the Applicants in regard to the work from home service to be provided to the Applicants through an application ‘Telegram’. It also came to the fore that the Applicants made the other accused persons to open bank accounts and use such bank accounts to transfer the amounts, the offence being that of cyber fraud. In such circumstances, the complaint was made by the Informant and the FIR was registered.

3. Mr. Shendge, learned counsel for the Applicants would first submit that the Applicants are falsely implicated in these proceedings. According to him, the Applicants have no connection with the alleged payments, made from the said bank accounts as indicated in the FIR. He would urge the plea of total innocence as far as the Applicants are concerned. He would also submit that the two co-accused persons, who were arrested on 23 November 2023 have been enlarged on regular bail on 29 February 2024 by orders passed by the JMFC, Borivali. He would submit that even on the basis of parity, the Applicants deserve to be granted anticipatory bail in the given facts and circumstances.

4. On the other hand, Mr. Shinde, learned APP would submit that as per the prosecution, there are 11 transactions which form the subject matter of the present proceedings. Out of these 11 transactions, one transaction i.e. payment of Rs.6 lakhs has been clearly made by the Informant to the Applicants which appears to have been received by the Applicants. Thus he would submit that there is a nexus between such payment and the receipt of the same by the Applicants. He would also submit that as this is a cyber fraud, it is imperative for the investigating agency to go to the root of the matter and also investigate into the monetary trail of the transactions. He would on instructions submit that as far as the present Applicants are concerned, they have been absconding and there is no question of their cooperating with the investigation. Thus, according to him, the Applications deserve to be rejected. He would also submit that pursuant to the earlier orders passed by this Court, a CFSL report dated 14 August 2024 would bolster the link of such payments and the receipt by the Applicants of such amount which is a part of the said cyber fraud. Thus he would submit that this is not a fit case for the grant of anticipatory bail and the same be rejected.

5. Having considered the submissions, it cannot at this juncture be ruled out that there could be a link between payments and the receipt of such payments by the Applicants as submitted by the learned APP. To unearth such link is undoubtedly a subject matter of the ongoing

investigation. The Applicants have undertaken to cooperate with the investigation and to furnish all necessary details that the investigation agency may require to go to the root of the allegations and uncover the truth. It is pertinent to note that on the basis of statements of the co-accused persons, the present Applicants' name has come to the fore. It is now settled that the decision of the Supreme Court in the case of ***P Krishna Mohan Reddy Vs. The State of Andhra Pradesh***¹ that the statements of accused persons recorded under Section 161 of the CrPC cannot be used against co-accused at the stage of anticipatory bail or regular bail, which can be used and/or pressed into service at the time of the trial, subject to the provisions of Section 30 of the Evidence Act. Further, it would be pertinent to note that it is not disputed that the other co-accused persons from whom the name of the present Applicants have been revealed have been enlarged on regular bail by order dated 29 February 2024 passed by the JMFC Borivali as noted above.

6. Thus in the given factual complexion, the contention of parity would in my opinion, *prima facie*, assist the case of the Applicants. The Court has duly noted that the Applicant has undertaken to co-operate with the investigation going further. In such facts and circumstances as indicated above, detention of the Applicant is not warranted, when a *prima facie* case is made out by the Applicant for grant of anticipatory bail. This is not a fit

1 2025 INSC 725

case to order custodial interrogation of the Applicant. In light of the above, in my *prima facie* view the following order would meet the ends of justice:-

ORDER

- (i) The interim order dated 26 July 2024 stands confirmed.
- (ii) In the event of arrest of the Applicants in connection with CR No.0097 of 2023 registered with North Region Cyber Police Station, Mumbai for the offences punishable under Sections 120-B, 419, 420, 465, 467, 468 and 471 of the IPC read with Section 66(C) and 66(D) of the IT Act, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000 (Rupees Thirty Thousand Only) each with one or more sureties in the like amount.
- (iii) The Applicants shall cooperate with the investigation and shall attend the concerned police station as and when required/intimated.
- (iv) The Applicants shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.
- (v) The Applicant shall obtain appropriate orders of the

competent Court before leaving the State of Maharashtra.

- (vi) The Applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer.
- (vii) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the complainant or any witness in any manner whatsoever.

7. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.

8. The Anticipatory Bail Applications are **Allowed/Disposed Of** in the above terms.

[ADVAIT M. SETHNA, J.]