IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.508 OF 2025

Manojkumar Chhajer	...Applicant
V/s.	
State of Maharashtra	...Respondents

Mr. Shadab Khopekar, Advocate for the applicant.

Mr. Anand S. Shalgaonkar, APP for the State.

Mr. Navin V. Dhongadi a/w. Mr. Akash Kotech, Advocate for respondent No.2.

N. V. Mahadik, PSI APMC Police Station present.

CORAM : RAJESH S. PATIL, J.
DATED : 29 APRIL 2025

P.C.:

1. This applicant prayed for anticipatory bail in connection with crime no.132/2024 registered in APMC Police Station for the offence punishable under section 420, 34 of Indian Penal Core. The applicant has apprehension of his arrest and therefore he filed this application.

2. The complainant in this case, State Bank of India, submits that a facility known as the "S B International Collect Facility" was availed by accused no.1–Amit Lala. He being a trader, used this facility to export goods outside India, and under this arrangement, payments from foreign parties were to be received directly into his account through the

said facility provided by the State Bank of India. Accordingly, a transaction took place wherein "Visa", acting on behalf of the foreign party, credited an amount of ₹1,52,13,051.56 to the account of accused no.1–Amit Lala.

3. Subsequently, it was discovered that no goods had actually been exported by accused no.1–Amit Lala. Upon realizing this, the foreign party lodged a complaint with "Visa", who in turn contacted the State Bank of India and reported that a fraud had been committed. "Visa" then informed the bank that the said amount of ₹1,52,13,051.56 would be debited from the account of the State Bank of India. Accordingly, the amount was deducted from the bank's account.

4. Thereafter, the State Bank of India lodged the present FIR. It has been mentioned in the complaint that accused no.1–Amit Lala received ₹1,52,13,051.56, and on the very next day, an amount of ₹15,00,000 was transferred to the account of the present applicant. Additionally, from the account of accused no.1–Amit Lala, several amounts were transferred to the accounts of foreign parties who are also named as accused in the FIR. These parties, in turn, transferred amounts to the account of the present applicant as well as to the account of absconding accused no.5–Rehan.

5. The total amount transferred to the present applicant's account is ₹67,00,000, while ₹45,00,000 was transferred to the account of Rehan.

It is believed that Rehan, the absconding accused no.5, is currently in Vietnam, while the present applicant is presently residing in Dubai.

6. It is the case of the present applicant that he was dealing in cryptocurrency on the instructions of accused no.1–Amit Lala. The amount of ₹1,52,13,051.56 received by him was utilized for purchasing cryptocurrency through Binance Finance. After the purchase, the equivalent value in cryptocurrency was reflected in the account of accused no.1. It is further submitted that the amounts received from the other co-accused into the account of the present applicant were also used to purchase cryptocurrency, and the corresponding balances were reflected in the individual cryptocurrency accounts of the respective accused persons. Therefore, it is contended that the present applicant is not involved in the commission of any offence.

7. The fact remains that a sum of ₹1,52,13,051.56 has been debited from the account of the State Bank of India. Accused no.1–Amit Lala, who has been released on regular bail, had represented himself as a trader engaged in the export of goods to foreign parties. On that basis, he expressed his intention to open a State Bank of India International Account.

8. In his statement, accused no.1–Amit Lala has named the present applicant as the mastermind behind the alleged offence, claiming that it was the applicant who directed him to open what is referred to as the "S

B International Account.” Owing to the opening of this account being a facility provided by the State Bank of India, accused no.1–Amit Lala was able to receive an amount of ₹1,52,13,051.56 from "Visa", acting on behalf of foreign party.

9. This amount was received by Amit Lala on 27 February 2023, and on the very next day, a sum of ₹15,00,000 was transferred to the account of the present applicant. Thereafter, funds from accused no.1–Amit Lala’s account were routed to various other co-accused, who in turn transferred those amounts to the accounts of the present applicant and absconding accused no.5–Rehan, who is believed to be in Vietnam.

10. The present applicant is believed to be in Dubai. On an earlier occasion, pursuant to directions of this Court, he appeared before the investigating officer and stated that he does not possess any movable assets in India. It is now being argued that the present applicant is resident of Goa and for work purposes, he goes to Dubai.

11. It will be necessary for the investigating officer to trace the flow of money and examine what transpired in the present offence, particularly to ascertain whether there was any nexus between the present applicant and the absconding accused–Rehan, who is believed to be in Vietnam. There is also a high probability of the applicant to flee from this country. As the investigation is still ongoing, there is a likelihood that, if released on bail, the applicant may influence

witnesses or tamper with the prosecution's evidence.

12. The Supreme Court in case of *Sumitha Pradeep vs. Arun Kumar C.K. and another*[1] in paragraph 12 has held as under :-

> "………. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail."
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> (Emphasis supplied)

13. A similar view has been taken by the Supreme Court in the case of *the C.B.I. vs. Anil Sharma*[2], in paragraph 4 which reads as under:-

> "4. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the

1 (2022) 17 SCC 391
2 AIR OnLine 1997 SC 797

> danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders."

(Emphasis supplied)

14. Taking into consideration the allegations made in the FIR, the medical certificate on record, and the other documents produced, as well as the view taken by the Hon'ble Supreme Court in the aforementioned judgments, I am of the opinion that the physical presence of the applicant for interrogation is necessary for the completion of the investigation. I am further of the view that custodial interrogation of the applicant is essential to ensure a fair and thorough investigation. Hence, no case is made out for granting anticipatory bail at this stage. Accordingly, **the anticipatory bail application stands rejected and is disposed of.**

(RAJESH S. PATIL, J.)