

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 765/2025

HRITIK KATIYAR

..APPLICANT

VS

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ashay Gajbhiye for the applicant.
Mr. Anand Shalgaonkar, APP for State.

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CORAM : RAJESH S. PATIL, J.

DATE : MARCH 21, 2025.

P.C. :

1. This application is filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with the First Information Report (FIR) No.784/2024 registered with the Koparkhairane Police Station, for the offence punishable under Section 66(C) of the Information Technology Act, 2000 read with Section 318(2) of the Bhartiya Nyaya Sanhita, 2023

2. As per the FIR, the role of the present applicant has been mentioned in the complaint. The present applicant has been shown as accused no.1. It is submitted on behalf of the applicant that no amount was received by the present applicant from the informant.

Admittedly, as per the FIR, amount of around Rs.31 lakhs was paid by the informant to one Krishnaprasad Samant, who is shown as accused no.2. The said Krishnaprasad Samant seems to have returned Rs.9,21,002/- to the informant. As far as the present applicant is concerned, he is alleged to have received a sum of Rs.6 lakhs from Harsh Mittal. The said Harsh Mittal is not shown as the accused. It is alleged that Harsh Mittal received Rs.12 lakhs from the informant. On the basis that Harsh Mittal paid Rs.6 lakhs to the present applicant, the present applicant has been shown as an accused.

3. The learned counsel for the applicant has shown pages 59, 60 and 61 which is an agreement between the informant and the Krishnaprasad Samant. The said agreement has been signed by both the parties. The said agreement records the terms and conditions which says that the investment is made subject to market risk. The learned counsel for the applicant submits that the custody of the applicant is not at all necessary. He submitted that there is no criminal antecedents reported against the applicant.

4. The learned APP appearing for the State submitted that accused no.2 is absconding. He submits that there is a specific role as far as the present applicant is concerned. He received Rs. 6 lakhs

from Harsh Mittal for that reasons the Sessions Court rejected his pre-arrest bail application. He submitted that if the present applicant granted pre-arrest bail, he will not cooperate with the police and the investigation cannot be completed.

5. I have heard the learned counsel for the applicant and the learned APP for the State. I have also gone through the FIR and the documents on record.

6. Pages 59, 60 and 61 is an agreement between the informant and the Krishnaprasad Samant (accused no.2). The said terms and conditions reads as under:-

****Terms and Conditions****

1. Both parties acknowledge that trading involves risks, and neither party guarantees a specific amount of profit.
2. Any losses incurred during trading activities shall be borne solely by the Trader, and the Investor shall not be held liable for such losses.
3. Any amendments to this agreement shall be made in writing and signed by both parties.”

[Emphasis supplied]

7. The case of the prosecution is that the amount of Rs.6 lakhs was received by the present applicant from one person called as Harsh Mittal. The said Harsh Mittal is not an accused in the present crime. The present applicant has not received any amount from the informant. The entire money is paid by informant to Krishnaprasad

Samant. Krishnaprasad Samant has in turn not paid any monies to the present applicant.

8. Taking into consideration the fact that the present applicant has not received any monies from the informant neither he has received any money from Krishnaprasad Samant – accused no.2 who is supposed to have received the entire money of the crime from the informant, I do not find any reason to hold that the custody of the present applicant is necessary. In view of the above, I am inclined to grant the pre-arrest bail to the applicant. Hence, the following order:-

ORDER

- (a) The anticipatory bail application is allowed.
- (b) In the event of arrest in connection with FIR No.784/2024 registered with the Koparkhairane Police Station, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.
- (d) The applicant shall furnish details of his residential address,

contact numbers and email address to the Investigating Officer.

(e) The applicant shall attend the concerned police station on 26/3/2025 and 27/3/2025 between 11.00 a.m. to 1.00 p.m. thereafter as and when called for.

9. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)