IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1149 OF 2025

Atul H. Shelke ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents.

....
Mr. Hrishikesh S. Shinde for the Applicant.
Mr. V.N. Sagare, APP for the Respondent/State.
....

CORAM : N.R. BORKAR, J.
DATE : 03.10.2025.

P.C. :

1. This is an application for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No.761 of 2024 registered at Gavdevi Police Station, Mumbai for the offences punishable under Sections 318(4), 111(2)(C), 111(3), 111(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 66 (C) and 66(D) of the Information Technology Act.

3. It is the case of the prosecution that on 23.10.2024, the first informant received a link to join a WhatsApp group from an unknown number. The first informant joined the said group assuming it pertained to his Demat account in Geojit Financial Services. Upon joining the said group, one Aishwarya Shastri asked the first informant to open a trading account to invest in the share market through them for gaining profitable returns. Accordingly, the first informant shared his detailed and transferred Rs. 1,00,000/- via RTGS for investment. Subsequently, due to the

suspicious behavior of the said lady, the first informant asked her to refund his invested amount. The same was not refunded, therefore, the present crime came to be registered. The allegations against the present applicant and other co-accused are of defrauding the first informant and other victims through on–line fraud.

4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. Learned counsel for the applicant submits that the allegations against the present applicant are only that he helped the co-accused Keshav Kulakarni to open bank accounts in which amount of Rs.1 lakh was deposited. It is submitted that the prosecution has filed the charge-sheet against the present applicant and other co-accused and therefore, there is no need of custodial interrogation of the applicant now.

6. On the other hand, learned APP for the respondent/State submits that the applicant is involved in serious offence of defrauding the first informant and the victims through on-line fraud. It is submitted that considering the nature of crime, the applicant may not be released on anticipatory bail.

7. I have perused the charge-sheet. It is not the case of the prosecution that the present applicant is the beneficiary of the defrauded amount. As the prosecution has already filed the charge-sheet, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

A) The Application is allowed.

B) In the event of arrest of the applicant in C.R. No.761 of 2024 registered at Gavdevi Police Station, Mumbai for the offences punishable under Sections 318(4), 111(2)(C), 111(3), 111(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 66 (C) and 66(D) of the Information Technology Act, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.

[N.R.BORKAR, J.]