IN THE HIGH COURT OF JUDICATURE AT BOMBAY CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1899 of 2025

Arvind Singh @ Rajput
Aged: 45 yrs, Occ: Director,
R/at Flat No.11, K Wing, 2nd floor,
Zohra Aghadi Nagar CHS Ltd,
Yari road, Versova, Andheri (East),
Mumbai-400 061 ... Applicant.

Vs.

The State of Maharashtra
At the instance of Kashigaon
police station Mumbai
(CR No.2812024)
Notice to be served on APP,
High Court, Mumbai. ... Respondent.

Mr Sanjay R Singh for the applicant.
Mr Shahaji Shinde, 'B' Panel Counsel a/w Mr Swapnil Walve, APP for the respondent / State.
PI Sanjay Pujari, IO, Kashigaon police station, Mira Bhayander.

Coram : R.N.Laddha, J.
Date : 11 July 2025.

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.281 of 2024, registered at

Kashigaon Police Station, for offences punishable under Sections 318(4) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 66D and 66C of the Information Technology Act, 2000.

2. It is the case of the prosecution that between 4 August 2024 and 10 September 2024, the informant was added to a group titled “CHANDRA VIP HIGH QUALITY STOCK SHARING GROUP W77” on both WhatsApp and Telegram by an unidentified phone number. During this period, an individual under the alias Sara Smith enticed the informant to invest a considerable sum of money, promising high returns. Acting on this, the informant transferred a total of Rs.72,80,000/- across multiple bank accounts. However, when the informant tried to withdraw the funds, he found himself unable to do so and realised that he had been defrauded, leading to the registration of the present crime. During the investigation, it was revealed that the applicant had received a portion of the invested amount, i.e., Rs.18,80,000/- into his bank account.

3. The learned Counsel appearing on behalf of the applicant asserts the applicant’s innocence and submits that

the applicant is a film director and needed funds for his upcoming film. Accordingly, the applicant approached one Pasha, who agreed to raise funds via crowdfunding. The learned Counsel further submits that the applicant has been falsely implicated in the crime and is ready to abide by any conditions imposed by this Court if granted bail.

4. The learned Additional Public Prosecutor representing the respondent/ State opposes the applicant's request for pre-arrest bail. He contends that the applicant, along with the co-accused, floated a fraudulent scheme to entice investors to invest in stocks and formed a group on social media platforms. After gaining the investors' trust, the accused induced the investor to transfer funds across several bank accounts and subsequently misappropriated the invested funds. The applicant is the linchpin of the offence and has received a colossal amount of Rs.18,80,000/- in his bank account. The investigation is at a nascent stage, and the applicant's custody is required to ascertain the money trail and identify the individuals involved in the crime.

5. This Court has given anxious consideration to the rival contentions and perused the records.

6. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits-all approach, as granting such pre-arrest bail in serious cases may affect the investigation. All these aspects are highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay v. State of Bihar, 2024 SCC OnLine SC 282*.

7. Upon perusing the records, it appears that the informant was allegedly induced to invest a substantial sum of Rs.72,80,000/- under the false pretence of receiving lucrative returns. The individuals operating within the alleged WhatsApp and Telegram groups instructed the informant to transfer funds into various bank accounts. Notably, one of these bank accounts belonged to the applicant, wherein an amount of Rs.18,80,000/- was transferred and accepted. The material available on record suggests the applicant's involvement in the crime. The applicant is a recipient of a sum of Rs.18,80,000/-. The material on record does not reveal the existence of any valid agreement between the applicant and the informant that

would justify the receipt of these funds. The investigation is in its early stages, and the likelihood of other victims in similar situations is imminent. In cases of this nature, custodial interrogation is crucial to uncover the full extent of the fraud and trace the money trail. The release of the applicant on pre-arrest bail at this stage would jeopardise the course of an effective investigation. Given the circumstances, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R. N. Laddha, J.]