



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.149 OF 2025

Parth Hemant Patel

Vs.

State of Maharashtra, through Police Station Officer, Cyber Police Station,
Buldhana District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. B. K. Suchak, Counsel for the applicant.
Ms. T. H. Udeshi, APP for non-applicant / State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/02/2025

1. The applicant came to be arrested on 24.10.2024 in connection with Crime No.57/2024 registered with Cyber Police Station, Buldhana, District Buldhana for the offences punishable under Sections 406, 420 and 471 of the Indian Penal Code and under Sections 66D of the Information Technology Act, 2000.

2. The crime is registered on the basis of report lodged by first informant Namely Shyam Ramesh Gawate on an allegation that the applicant used to work together with the first informant in 'Vistara Airline' prior to one and half years. They were well acquainted with each other. They had a friendship and by taking disadvantage of the faith of the informant on him, the present applicant posed

himself that he can provide job in custom department and obtained an amount from him. He has also obtained the amount from other persons also by posing himself as an officer of the custom department and duped them. On the basis of the report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that the applicant has already deposited the amount of Rs.2,00,000/- and he is ready to refund the amount. Now the investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. Moreover, the offences alleged are not punishable with imprisonment more than seven years. Considering all these aspects, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that the applicant has posed himself as officer of the custom department. The Investigating Officer has communicated with the concerned custom department and they informed that no such officer by name Parth Patel is working in their establishment. She further submitted that the applicant is resident of Mumbai. He was arrested from Gujarat. She further invited my attention towards the FIR and submitted that the FIR was lodged on 10.10.2024 whereas he was arrested on 24.10.2024 i.e. also came in Gujarat. The present

applicant is a habitual one and with the similar *modus operandi* has cheated several persons. The statements of some of the persons are already recorded by the investigating agency. The applicant is at a flight risk and if he is released on bail, he will abscond and will not be available for trial and trial will be held up.

5. After hearing both sides and on perusal of the investigation papers it reveals that the Investigating Officer has recorded the statement of various witnesses, which shows the involvement of the present applicant in the alleged offence. The applicant has not only promised to offer a job but also posed himself as Government officer and obtained the money from the unemployed youth, who were in dire need of the job and by taking disadvantage of their need, the amount was obtained. As far as the contention of the learned APP is concerned, which is substantiated as the applicant is resident of Mumbai, but he was arrested from Gujarat. He was absconding from the date of registration of the FIR till his arrest i.e. from 10.10.2024 to 24.10.2024. By applying the tripod test which is given by the Hon'ble Apex Court in the case of **P. Chidambaram vs Directorate Of Enforcement** reported in **(2020) 13 SCC 791**. One of the criteria is whether the applicant is at a flight risk. Considering the same, and the facts of the present case, admittedly the applicant is at a flight

risk and the apprehension raised by the learned APP has some substance. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)