



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

CRIMINAL APPLICATION (BA) NO. 384 OF 2025

Tushar s/o Sanjay Kumar Garg Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. PM Sinha, counsel for applicant.

Mrs. Sneha Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/06/2025.

1. The present applicant came to be arrested on 07/05/2024 in connection with Crime No. 05/2024 registered with Cyber Police Station, Sadar Nagpur for the offence punishable under Sections 419, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860 and Section 66D of the Information Technology Act, 2000.

2. Heard learned counsel for the applicant, who submitted that crime is registered on the basis of a report lodged by Moti Dulramani, on an allegation that he is a wholesale dealer in Food Essence for the last 50 years. During the Covid period, his business was closed. As he was having knowledge in the share market, he was investing and was dealing with the share market. On 11/11/2023, he came across the advertisement stating that there was a 15 to 20 percent profit in the stock market, and one link was provided. Accordingly, he clicked on the said link, thereafter he was asked to open the demat account and recharge the same and deposit the amount from time to time. Therefore,

he deposited the amount, and the said amount was transferred to the account of the co-accused. Thus, he has been duped for the amount of Rs. 2,48,69,000/-. On the basis of the said report, police have registered the crime. During the investigation, the involvement of the present applicant is revealed on the basis of statement of the co-accused. He submitted that none of the witnesses have disclosed the name of the present applicant. Thus, except the statement of the co-accused, there is no material to connect the present applicant with the alleged offence.

3. Per contra, the learned APP submitted that the involvement of the present applicant is revealed during the investigation. Similar types of crimes are registered against the present applicant, which he has not disclosed in the application, and considering the same, his application deserves to be rejected.

4. On hearing both sides and on going through the investigation papers, it reveals that it was the other co-accused, who has opened the bank account in the IndusInd Bank in the name of A.M. Services, and he has received the amount in the said bank account. During the investigation, the statements of various witnesses are recorded. As far as the present applicant is concerned, none of the witnesses have disclosed the name of the present applicant, but the involvement of the present applicant is revealed on the basis of the statement of the co-accused. Thus, except the statement of the co-accused, there is no material to connect

the present applicant with the alleged offence. Moreover, the investigation is already completed, and charge-sheet is already filed. As far as further incarceration of the present applicant is concerned, it is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] Criminal application is **allowed**.
- b] The applicant- ***Tushar s/o Sanjay Kumar Garg*** shall be released on bail in connection with Crime No. 05/2024 registered with Cyber Police Station, Sadar Nagpur for the offence punishable under Sections 419, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code, 1860 and Section 66D of the Information Technology Act, 2000, on executing PR. Bond of Rs. 1,00,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station i.e. Nagpur Cyber Police Station twice in month on 1st and 15 of every month between 10.00 a.m. to 01.00 p.m., and the investigating officer shall record his presence.
- d] The applicant shall furnish local surety for the satisfaction of the Court.

- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- f] The applicant shall furnish his detailed address of his native place along with the names of two relatives and their address, along with their cellphone numbers before the investigating officer.
- g] The applicant shall not leave India without prior permission of the District Court, Nagpur.
- h] The applicant shall surrender his passport if he is having.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]