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

CRIMINAL APPLICATION(ABA) NO.746 OF 2025

Nitin Chandrabhan Nagardhane Vs. State of Maharashtra

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. K.S.Motwani, counsel for the applicant.
Mr. Ujjawal Phasate, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.
DATE : 12/11/2025

1) The present application is moved by the applicant for grant of anticipatory bail as the applicant is apprehending his arrest in connection with Crime No. 418/2025 dated 10.09.2025 registered with the non-applicant police station Ram Nagar,Gondia for the offence punishable under Sections 318(3), 318(4), 3(5) of Bharatiya Nyaya Sanhita., 2023 r/w Section 66(C) of Information Technology Act-2000.

2) It is the case of the prosecution that the applicant who is the friend of informant had informed him that he has some difficulty about his bank account and he will get some money from his friend in relation to business and asked informant to give his bank account to him. On that, informant told to the applicant that, he possessed only one account and transaction continues in the said account. Applicant told the informant that he will open new bank account for him and demanded Adhar Card and PAN card from the informant. The informant gave his copy of Adhar Card and PAN card to the applicant. The applicant took him to one shop in front of NMD College, Gondia and obtained two sim cards in the name of informant. Thereafter, applicant took him to Bank of India Branch Railtoli, Gondia where he himself paid Rs.1000/- for opening of account in the bank in the name of informant. Thereafter new bank account was opened in the name of informant. The applicant had taken bank passbook of Bank of India, cheque-book, ATM card for using the same of said account bearing No. 920610110021591. The applicant linked said account with sim obtained in the name of informant. The applicant also told to informant that amount will be credited to said account and thereafter he has to withdraw said amount from said account so applicant had taken ATM card from informant and also signed cheque-book from informant. The applicant also told the informant that he will return aforesaid his kit of bank within four days. On 08.09.2025 the informant learnt that, accounts of Krishna Chourasiya and Sanju Nagarikar R/o Chhota Gondia were kept on hold on the complaint of one Amir Hussain R/o of Assam.

Thereafter, the informant approached to Cyber Cell Gondia and at that time he learnt that Rs.80,000/- has been transferred to his new account in Bank of India and online complaint has been registered in that regard. Therefore, informant asked to applicant that amount of Rs.80,000/- in relation to Cyber cheating has been transferred to his account. The applicant told that he had given said bank pass book with a sim card connected to the said account cheque book and ATM Card to Abhay Katre and Katre has received said amount in his account. Thus as per informant applicant cheated him by making misrepresentation to open account. The complaint was lodged and the crime is registered.

3) The learned counsel for the applicant has stated that the applicant has not committed any offence, it is the person 'Mr.Katre', who has withdrawn the amount. He is not the beneficiary, hence prayed to protect him by granting ad interim anticipatory bail.

4) The learned APP opposed the applications stating that this is a case of cyber crime. It is operated from Assam. The applicant has knowingly opened the account and cheated the first informant. The custodial interrogation of this applicant is necessary. Hence prayed to reject the application. The antecedents of the applicant are not disclosed by the applicant, which is mandatory.

5) Heard both the sides.

6) Considering the allegations made against the applicant, it appears that the applicant has knowingly opened the account and has taken the active part in commission of cyber crime. Though he has stated that one Abhay Katre has cheated and he has withdrawn the amount, the account was opened by this applicant. He has committed fraud by taking the advantage of friendship and committed the said crime.

7) Considering the allegations and as the earlier crimes are registered against him are not disclosed by the applicant while praying for bail, the application stands rejected.

JUDGE