



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

**CRIMINAL APPLICATION (BA) NO.1226 OF 2024**

Rohit Kumar s/o Sahdev Paswan

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Sadar  
Cyber City Nagpur

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

Court's or Judge's orders

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Mr. S. S. Sohoni, Counsel h/f Mr. P. S. Jaiswal, Counsel for the applicant.  
Mr. N. B. Jawade, APP for the non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 28/02/2025**

1. The applicant came to be arrested on 26.07.2024 in connection with Crime No. 108/2023 registered with Police Station Sadar Cyber City, Nagpur for the offence punishable under Sections 419, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code and Section 66(D) of the Information Technology Act.

2. Heard learned Counsel for the applicant who submitted that the complainant Shailendra Chaudhary lodged a report on an allegation that he wanted to establish the store of Readymade Garment Zudio. The complainant contacted on the website of the said store from where on 28.10.2023, he was sent one form and asked to fill up the same. On 01.11.2023 information was asked to him and he was

asked to pay the amount of Rs.20,35,500/-. Accordingly, he has deposited the same amount and subsequently, he came to know that after lapse of time no further action was taken and he came to know that he is duped.

3. During the investigation, the involvement of the present applicant is revealed as he has used the mobile phone and ATM card and withdrawn the amount on the say of the other co-accused. On the basis of the said report, police have registered the crime against the present applicant. He submitted that as far as the allegation of forgery are concerned, which are not against the present applicant. At the most, the allegation against the present applicant levelled are that he has withdrawn the amount on the say of the co-accused. The other offences are not punishable with more than seven years and the offence punishable under Section 66D of the Information Technology Act is also punishable with three years imprisonment. Now investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that the involvement of the present applicant is revealed from the investigation as during investigation, it revealed that the present applicant by using the ATM card withdrawn the

amount which is deposited by the informant and subsequently also the more amount was demanded from the informant. He submitted that the statement of the various witnesses and the bank statements collected during the investigation shows the involvement of the present applicant. In view of that, the application deserves to be rejected.

5. On perusal of the entire investigation papers and the statements, as well as the account statements, it reveals that the allegation against the present applicant is that on the say of the co-accused he has withdrawn the amount with the help of ATM card. As far as the offence punishable under Section 467 of the Indian Penal Code is concerned, the allegation of forgery is not against the present applicant. Considering the nature of the punishment provided for the said offence and the offence under Section 66D of the Information Technology Act, for which also the punishment up to three years is provided. The investigation is already completed, further incarceration of the present applicant is not required, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

**ORDER**

- (i) The application is allowed.
- (ii) The applicant **Rohit Kumar s/o Sahdev Paswan** shall be released on bail on executing PR Bond of Rs.25,000/- with one

solvent surety of the like amount, in connection with Crime No.108/2023 registered with Police Station Sadar Cyber City, Nagpur for the offence punishable under Sections 419, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code and Section 66D of the Information Technology Act.

(iii) The applicant shall attend the Police Station Sadar Cyber City, Nagpur once in a month on 5<sup>th</sup> of every month between 10.00 a.m. to 1.00 p.m. and the concerned Police Station Officer shall record his presence.

(iv) The applicant shall surrender his passport if he is having before the Court.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(vi) The applicant shall not indulge himself in similar type of the activities.

(vii) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**