IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 ANTICIPATORY BAIL APPLICATION NO. 1328 OF 2026

Anuj Satendra Saxena
Versus
The State Of Maharashtra And Another

Ms. P. R. Dubey, Advocate for Applicant
Mrs. R. P. Gour, APP for Respondents/State

CORAM : R.M. JOSHI, J
DATE : OCTOBER 05, 2026

P. C. :

1. Applicant apprehends arrest in connection with C.R. No. 12/2025 registered with Police Station Ahilyanagar Taluka, District Ahilyanagar for the offences punishable under Sections 318(4), 336(3), 340(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 66(D) of the Information and Technology Act.

2. First information report indicates that this is a case of digital arrest and fraud being played upon the informant, who is doctor by profession and he was pressurized to pay sum of Rs.7.17 crores. As far as allegations against present Applicant is concerned, sum of Rs.4.03 crores went to his account and subsequently withdrawn.

3. Learned Counsel for the Applicant submits that Applicant is running a charitable institution and one Vinit Shrivastava approached him with proposal of donation of Rs.20,00,000/- to be paid to Sanstha. In

response thereof, he went to Delhi and poojas were performed for a period of five days. On 08.10.2026, he found that his mobile phone was hacked and the amount of Rs.4.03 crore came to be deposited into his account and was withdrawn on the same day i.e. 09.10.2026. It is her submission that considering the fact that the Applicant was approached for the purpose of payment of donation, the bank details were provided to the said person. She claims that in fact Applicant is victim of the crime and not perpetrator.

4. Learned APP opposed grant of any relief to the Applicant by submitting that the competent Court at Kanpur has taken the cognizance of the offences and application made by Applicant raising the said contention came to be rejected. She drew attention of the Court to the facts of the case, which according to her, indicate that it is practically impossible that sum of Rs.4.03 crores could be withdrawn on single day owing to the limitation to the number of transactions for the operation of account and cap for withdrawals. It is her submission that there is prima face material on record to show involvement of the Applicant in crime and his conduct for not responding to the notice issued by the concerned police station.

5. The offence in question is serious in nature. Needless to say that there is increase in the number of persons being defrauded by digital arrests. One of the important aspect in such cases including economic offence is that different accounts are used for the purpose of receiving the money and the said money is ultimately distributed to different accounts making it

impossible to trace the trail of the money. Any frivolous or afterthought explanation by the persons whose accounts are credited with crime money would amount to lend encouragement to commission of such crimes.

6. In the instant case, if it is a case of the Applicant that he was lured into it by proposing the donation of Rs.20 lacs, apparently the Applicant has to show that there was hacking of his mobile phone. There is absolutely no material on record to indicate so and if any such defence is allowed to be taken and accepted, there cannot be any investigation into any crime of this nature. The Hon'ble Supreme Court in ***Suo Moto Writ Petition(Criminal) No(S). 3/2025 (In Re: Victims Of Digital Arrest Related To Forged Documents)*** has taken serious view in respect of the offences of digital arrest and guidelines are issued for the purpose of investigation thereof. Having regard to the same and also in view of the fact that huge amount of Rs.4.03 crores has been deposited into the account of Applicant, which is essentially operated by him and also in view of order passed by competent Court at Kanpur, this Court finds no reason or justification to protect liberty of the Applicant. Needless to say that custodial interrogation in such cases is absolutely necessary in order to investigate into the crime and find perpetrators and real culprit thereof.

7. In view of the above, Application stands dismissed.

(R. M. JOSHI, J.)

Malani