IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1562 OF 2026

Amit Kumar Shah
VERSUS
The State of Maharashtra and another

Mr. Vikrant Dabas h/f Ms. S. M. Nimbalkar, Advocate for applicant (through VC)
Ms. P. J. Bharad, APP for respondent-State

CORAM : R. M. JOSHI, J.
DATE : 07th OCTOBER, 2026

PER COURT :-

1. Applicant seeks pre-arrest bail in connection with Crime No. 0195 of 2026 registered with Degloor Police Station, Dist. Nanded, for the offences punishable under Sections 318(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita and under Section 66(D) of the Information and Technology Act.

2. In short, on the basis of the first information report, it is a case of the prosecution that the informant, who is proprietor of petrol pump arrived at the petrol pump in his motor car. The present applicant, who was occupying the said car, came to the worker of the petrol pump conveying him that he is in the need of Rs. 50,000/- in cash for medical purpose. It was told to the said worker that the money would be credited into the account by online mode of the petrol pump. The cash was

sought in lieu of the said amount credited in the account. The concerned worker informed this fact to the informant. An amount of Rs. 50,000/- came to be credited through scanner of the petrol pump. The informant handed over cash of Rs. 50,000/- to the said person. On 13.04.2026, informant received phone call instructing to the informant that he has to pay a sum of Rs. 50,000/- which was debited from his account through UTR transaction. It was then realized that the amount was credited into the account of the petrol pump was debited from bank account of belonging to the other person. In the similar manner, other persons were also cheated. On the basis of these allegations, offence came to be registered against present applicant and co-accused.

3. Learned counsel for the applicant submits that there is absolutely no evidence on record in order to connect applicant with the crime in question. According to him, the only offence would be in the form of member of large group. It is his submission that merely to be a member in a group, in absence of any other evidence to connect applicant with the crime cannot become incriminating circumstances against him. To support these submissions, he took this Court through the charge sheet placed on record. He also argues that it was mandatory for the investigating officer to issue notice to the applicant under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 which has not

been issued. To buttress his submission, he drew attention of the Court to the email sent by the applicant to the Investigating Officer showing his inclination to co-operate in the investigation. It is eventually submit that since the charge-sheet has been filed and as the co-accused are already enlarged on regular bail, this is not a case wherein custodial interrogation of the applicant is necessary.

4. Learned APP opposed the said contention by pointing out from the charge-sheet that notice was issued to the applicant under Section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 and that there is no specific finding in the application about non-receipt of the same. She drew attention of the Court to the evidence collected during the course of investigation indicating that there is evidence in the form of number of calls between the applicant and co-accused so also the evidence showing transaction of money into the account of present applicant by co-accused more particularly, accused No. 3. To oppose this submission, learned counsel for the applicant submits that the period of offence does not cover the said transaction.

5. Online fraud and economic offence by using different tactics are on rise. The one of such mode is the one used in the instant crime. First of all, there is nothing on record to indicate that for any reason there is false implication of present applicant in this crime. Secondly, the

perusal of the charge-sheet shows connection of the present applicant with the co-accused including the amount being transferred into the account may be not exactly for the same period. There is however chance indicating the involvement of the applicant in the entire transactions. Suffice it to say that at this stage this Court is required to consider only aspect that there is *prima facie* evidence against the applicant showing his involvement in the crime and that this is a case of custodial interrogation. Both these criteria get fulfilled in the present case.

6. Insofar as the issuance of notice to the applicant under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 is concerned, charge-sheet specifically contains the said notice. Perusal of the application does not show specific denial of the applicant about non-receipt of the said notice. Having regard to the said fact and considering *prima facie* evidence against applicant indicating his involvement in the serious economic offence, this is not a case for grant of pre-arrest bail.

7. Hence application stands dismissed

(R. M. JOSHI, J.)

B. S. Joshi