IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

968 BAIL APPLICATION NO. 2565 OF 2025

Shahid Khan Sabir Khan Pathan ....Applicant

VERSUS

The State of Maharashtra .....Respondent

Mr.G. L. Deshpande, Advocate for Applicant.
Mr. B. B. Bhise, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 21st JANUARY, 2026.

PER COURT :

1. Applicant seeks regular bail in connection with Crime No. 227/2025 registered with Upnagar Police Station, Nandurbar, Dist. Nandurbar, for the offences punishable under Sections 318(4), 316(2), 3(5) of the Bharatiya Nyaya Sanhita and Section 66(c) of Information Technology Act.

2. The case of prosecution is that the co-accused induced the informant to open a bank account on the false representation that the same was required for availing benefits under Government schemes. Accordingly, informant opened bank account. Thereafter, present Applicant collected documents such as pass book, ATM card, PAN Card, Aadhar Card from the account holders. Further, mobile

numbers of the account holders were linked with the said bank accounts. Since the informant and others did not get any benefit of the scheme, upon enquiry with the bank it was revealed that there was mis-appropriation of huge amount. On noticing that the co-accused and the present Applicant have used the bank accounts for online gaming and have defrauded the money, First Information Report came to be registered.

3. Learned counsel for the Applicant submits that this is a case of false implication. The allegations in the First Information Report are general and no specific overt act is attributed to the Applicant. The alleged evidence is documentary in nature and nothing is to be recovered from the Applicant. It is further submitted that there is no incriminating material on record against the present Applicant. Investigation is complete and charge-sheet is filed, further incarceration of the Applicant is not warranted. Hence, prayed to enlarge the Applicant on bail.

4. Learned APP vehemently opposed the application by submitting that the offence is serious in nature. A huge amount is involved in the crime. Applicant along with the co-accused have illegally used

the accounts of poor persons under false pretext of assisting to get benefits of the Government schemes and defrauded by diverting money from online gaming which is illegal. Hence, prayed to reject the application.

5. Upon hearing learned Counsel for both sides and on perusal of the material on record, including charge-sheet, it is evident that the accused persons have impressed upon the informant that the accounts are to be opened for conferring the benefits of the schemes floated by the Government. In the process, necessary documents such as PAN card, Aadhar Card were collected from all the persons with an assurance that they will receive benefits of the Government schemes. In the process, the accused have also linked mobile numbers of the accused to their accounts. At no point of time, the account holders have operated those accounts and the same were operated by the accused for defrauding money from online gaming. In the process, several transactions have been effected. Thus, the element of deception and abuse of trust under the garb of conferring the Government benefits is writ large from the record.

6. The magnitude of the offence can be gathered from the figures those are found in the bank account statements. Thus, there is prima facie over-whelming evidence against the present Applicant that a huge amount has been rooted through these accounts by the accused persons in an illegal and unauthorised manner. The offence of cheating and misuse of bank accounts are often committed with premeditation and adversely affects vulnerable sections of society. In that view of the matter, I am of the considered view that the application does not warrant consideration, as such, Applicant cannot be admitted to bail.

7. In the result, application stands rejected.

(SACHIN S. DESHMUKH, J.)

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