



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 ANTICIPATORY BAIL APPLICATION NO. 1507 OF 2025

Gorakh s/o. Popat Bhawal

VERSUS

The State Of Maharashtra

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Mr. Yogesh C. Patil h/f Mr. Abhijit S. More - Advocate for Applicant

Mr. A. M. Phule - APP for the State

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 13TH JANUARY, 2026

PER COURT : -

1. The Applicant, by way of present Application, seeks pre-arrest bail in connection with Crime No. 0008 of 2025 registered with Dharashiv Cyber Police Station, District Dharashiv, for the offences punishable under Sections 318(4), 61(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) and 66(D) of the Information Technology Act, 2000.

2. It is alleged in the FIR that on 15.04.2025, the informant received a message from mobile number 7259580338 stating, *"I am Amar Patil. This is my new WhatsApp number; please save it."* At that time, the WhatsApp profile photo displayed was that of the Chairman of the factory. The informant, therefore, assumed that the message had been sent by the Chairman of the factory. It is further alleged that on 16.04.2025, at about 10:16 a.m., the informant again received a

message from the same number, and certain WhatsApp chats took place between the person operating the said number and the informant. It is further alleged that on 17.04.2025, at about 09:22 a.m., the informant received another message from the said number asking him to transfer a sum of Rs. 1.10 crore to the account of M.K. Enterprises for the project. The informant alleges that he transferred the said amount to the account provided in the name of M.K. Enterprises. Subsequently, it was revealed that the informant had been deceived and that the money had been erroneously transferred. The informant immediately thereafter registered the FIR.

3. The learned Advocate appearing for the applicant argues that the FIR has been filed against unknown persons and that there is no mention of any role attributed to the present applicant. He further mentions that the Applicant was not present in the meeting that took place between the accused persons prior to commissioning of offence. He contends that there is absolutely no iota of material available on record to connect the present applicant with the alleged offence. In the absence of any *prima facie* evidence on record, he prays that the applicant be granted pre-arrest bail. He further submits that the applicant is ready and willing to cooperate with the investigating machinery on any terms and conditions that may be imposed by this Court while allowing the present application.

4. *Per contra*, the learned APP appearing for the State argues that the charge-sheet has been filed against all the accused persons, including the present applicant, though the present applicant was not available for investigation. The learned APP refers to the statements of witnesses, namely Varadraj Shrikant Gaikwad and Satish Narahari Deshmukh, who categorically refer to the present applicant by name and assign a specific role to him, thereby demonstrating that the present applicant was in the company of the co-accused persons at the time when the alleged meeting of the accused persons, prior to the commission of the offence, was held. He then refers to the statement of one more witness, who is also similar to the earlier witnesses, who makes a reference to the presence of the present applicant in the Scorpio Jeep by which all the accused persons had reached Sanskruti Hotel where the meeting was scheduled to be held between the accused persons. He thus submits that since the applicant was not available for investigation, the detailed role of the applicant could not be investigated, and therefore, custodial interrogation of the present applicant is necessary for the purpose of investigation. He accordingly prays for dismissal of the present application.

5. On perusal of the FIR, it clearly makes out a case that the informant in the present crime was deceived into transferring an amount

of Rs. 1.10 crore from his account to the account of an entity named M.K. Enterprises. However, apart from the manner in which the Informant has been deceived, the FIR does not disclose any further details in respect of the persons involved in deceiving the Informant and also the manner in which the entire design of the offence was carried out. The FIR in fact is lodged against some unknown persons stating that the Informant has been cheated for an amount of Rs. 1.10 crore. *The investigation papers and the statements referred to by the learned APP do make reference to the name of the present applicant; however, they fall short of supporting the prosecution's case that the present applicant participated in the meeting held at Hotel Sanskruti prior to the commission of the offence.* One statement of a witness suggests the presence of the applicant in the vehicle by which all the accused persons reached Sanskruti Hotel, while another witness specifically states that upon the applicant's arrival at Hotel Sanskruti, he made an excuse to depart from the accused persons on the pretext of going to have his breakfast. Thus, *prima facie*, it cannot be said that the applicant was part of the conspiracy meeting that took place between the accused persons at Hotel Sanskruti. There is no other material at this stage to link the present applicant with the alleged offence on the basis of the charge-sheet filed by the Investigating Officer. There is also no material on record to show that the present applicant has been a beneficiary of the proceeds of the crime transferred by the informant into the account

of M.K. Enterprises. Thus, for the aforesaid reasons, the applicant has made out a case for the grant of pre-arrest bail. In the present Crime, six co-accused have already been released on bail. I pass the following order:

ORDER

- [i] The Application for anticipatory bail is allowed.
- [ii] In the event of arrest of the Applicant, Gorakh Popat Bhawal in connection with C. R. No. 0008 of 2025 registered with Dharashiv Cyber Police Station, Dharashiv, for the offences punishable under Sections 318(4), 61(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) and 66(D) of the Information Technology Act, 2000, he be released on bail on his furnishing PB. of Rs. 25,000/- [Rupees Twenty Five Thousand], with one or two sureties in the like amount.
- [iii] The Applicant shall attend Dharashiv Cyber Police Station, Dharashiv, on every Friday between 11:00 am to 02:00 pm, and cooperate with the investigation.
- [iv] The applicant shall not tamper with evidence or influence any witness or the complainant in any manner whatsoever.
- [v] The applicant shall furnish his current address and contact details to the Investigating Officer and shall not change the

same without prior intimation.

[vi] The applicant shall not commit a similar offence or any offence during the period of bail.

6. The observations made herein above are *prima facie* in nature and the Trial Court should not get influenced by any of the observations made herein.

7. The Application stands disposed off.

[HITEN S. VENEGAVKAR]
JUDGE

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