S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2472 OF 2025

Shivam Rajesh Tiwari ··· Applicant

Versus

The State of Maharashtra ··· Respondent

Mr. Sanjeev P. Kadam a/w. Ms. Varsha Thorat and Mr. Suraj S. Mhadgut i/b. Mr. Veerdhaval Kakade, Advocates for the Applicant.

Mr. P. P. Jadhav, APP for the Respondent-State.

API – A.G.Katke, Cyber Police Station, Pune City, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd JANUARY, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R.No. 778 of 2024 registered with Cyber Police Station, Pune, for the offences punishable under Sections 420, 409, 468, 471, 120(B) of Indian Penal Code, 1860 (for short "IPC") and Sections 66C and 66D of the Information Technology Act.

2. It is prosecution's case that the applicant and co-accused used to withdrew the matured insurance policy amount of Bajaj Allianz of original customers by representing bogus customers and by forging documents in their name.

3. It is contention of learned counsel for the applicant that main allegations are against the co-accused. The allegations against the

applicant are that he opened the bank account in the name of bogus customers and for that he got commission of Rs.1,08,000/-. Except these allegations, there are no allegations against the applicant. Learned Counsel further submitted that the applicant has deposited Rs.1 lakh before the police. The applicant will not withdraw the said amount till conclusion of the trial. The applicant is behind bars more than 13 months. There is no progress in the trial and requested to allow the application.

4. It is contention of learned APP that the applicant was in conspiracy with the co-accused, he opened the bank account in the name of original bank customer. The fraud amount was transferred in the said bank account which was withdrawn by the co-accused. There was involvement of the applicant in the crime. If the applicant is released on bail, he may abscond or threaten prosecution witnesses. Hence, requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. It appears from the record that applicant helped the co-accused to open the bank account in the name of bogus customers and for that he got the commission of Rs.108,000/-. The applicant has already deposited Rs.1 lakh before the police. The main allegations are against the co-accused. The fraud amount is more than 1 Cr. 47 lakhs. The said amount is taken by the co-accused. The applicant is

behind bars for more than 13 months. Considering these facts, I pass following order.

ORDER

i. The applicant be enlarged on bail inC.R.No. 778 of 2024 registered with Cyber Police Station, Pune, on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.

ii. The applicant shall attend the concerned police station as and when required.

iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)