

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2849 OF 2025

Sameer Feroze Khan
Versus
State of Maharashtra

...Applicant

...Respondent

Mr. Aalekh Wagh, *with Akshay Jadhav and Sudhanshu Sawant, for the Applicant.*

Ms. Megha S. Bajoria, *APP for the Respondent-State.*

Mr. Yuvraj Gharat, *PC 111211 attached to Nodal Cyber Police Station, Maharashtra Cyber, Mumbai, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 5th JANUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with the FIR No.3 of 2021 dated 12th May 2021 registered with the Nodal Cyber Police Station, Mumbai for the offences punishable under Sections 469, 420, 336, 476, 482 and 120-B of the Indian Penal Code, 1860 ('IPC') and Sections 66(C) and 66(D) of the Information Technology Act, 2000 as well as

Section 102 of the Trade Marks Act, 1999 along with Section 27 of the Drugs and Cosmetics Act, 1940.

2. The case of the prosecution is that, during the Corona Pandemic, the Applicant issued a false advertisement for supply of drugs called 'Remdisivir, Tocilizumab' to the general public. He accepted money by way of on-line transactions, assuring to supply the said drug to needy customers. Suffice to say that after receiving the money from vulnerable customers, no drug was supplied to them. Aggrieved customers made complaints to the Police, consequent to which, an FIR was registered.

3. There are in all 3 accused. Co-accused Kishankumar Premkumar Gupta is enlarged on bail by this Court and the main accused, Vijay Benedict is absconding. The Applicant is the 3rd Accused and named as Accused No.2 in the charge-sheet.

4. The Applicant made an application seeking bail before the Additional Sessions Judge, City Civil & Sessions Court, Greater Bombay. However, by order dated 15th May 2025, his bail application was rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

5. Mr. Aalekh Wagh, learned counsel appearing for the Applicant, submits that the Applicant is arrested in August 2021 and has suffered incarceration for about 4 and ½ years. He submits that the funds came to the account of the Co-accused, Kishankumar Gupta, who is enlarged on bail. He also submits that the Applicant has not received any money; the only role attributed to the Applicant is that his phone number is linked to the bank account in which the funds were deposited. He thus, prays that the Applicant be enlarged on bail.

6. Ms. Megha Bajoria, learned APP representing the State in the matter, submits that maximum punishment under the Drugs and Cosmetics Act, 1940 is life imprisonment and

hence, incarceration of the Applicant cannot be termed as 'long incarceration'. She submits that the Applicant has cheated many customers in the like manner and hence, his bail application be rejected.

7. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

8. The offence is serious as during the peak of Corona Pandemic, when many people required necessary drugs, the Applicant along with Co-accused preyed upon their vulnerability and carried out their *modus operandi* to profit from the woes of patients. However, the main Accused, Kishankumar Gupta, in whose account, money was deposited, is enlarged on bail by this Court by order dated 22nd April 2025. In the light of the same, principle of parity will apply as the role of the Applicant is of lesser degree than that of the principal accused.

9. In these circumstances, I am inclined to enlarge the Applicant on bail and it is directed as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;
- ii) He will not leave the jurisdiction of the Trial Court concerned in the present matter. He is permitted to travel to Delhi to attend one of the cases bearing Criminal Case No.5393 of 2021, pending before the Patiala House Court subject to permission by the Trial Court in the present matter.
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) The Applicant shall also attend the Police Station concerned once in a month on first Monday between 11:00 a.m. to 02:00 p.m. till the charges are framed;

v) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court

seized of the matter and to the Investigating Officer of the Police Station concerned;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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