

Devendra Saini s/o. Satyanaraya Saini ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Adv. Shrey S. Lodha a/w. Adv. Hrutik R. Chavan and Adv. Dulraj Jain
i/b D'Vocate Legal LLP for the Applicant.
Mr. J.P. Yagnik, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 09.02.2026.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 42 of 2025 registered at Nodal Cyber Police Station, Cyber Unit Maharashtra State for the offences punishable under Sections 61(2), 126(2), 316(2), 318(4), 336(2), 336(3), 340(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) & 66(D) of the Information Technology Act, 2000.
3. On 19th August 2024, at about 11.00 am, the first informant received a call from the co-accused informing him that he is being held under digital arrest due to certain illegal activities observed in his bank account. It is alleged that under the guise of digital arrest the present applicant and other co-accused extorted an amount of Rs.58,13,50,000/- from the first informant. During the

course of investigation, some of the co-accused came to be arrested and they disclosed the involvement of the present applicant in the crime in-question.

4. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.

5. Learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that according to the prosecution the applicant is beneficiary of Rs.50 Lakhs and the applicant is ready and willing to deposit the said amount. It is submitted that on 15th January 2026, the Investigating Officer had issued a Notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) to the applicant which shows that there is no need of custodial interrogation.

6. Learned counsel for the applicant submits that now the Investigating Officer cannot take a stand that custodial interrogation of the applicant is necessary as on the basis of very same material the applicant cannot be arrested subsequently. In support of said submission, learned counsel for the applicant has relied upon the judgment of the Hon'ble Supreme Court in Case of ***Satender Kumar Antil vs. Central Bureau of Investigation & Anr.***¹

1 M.A.NO.2034 OF 2022 IN M.A. NO.1849 OF 2021 IN SPECIAL LEAVE PETITION (CRI) NO. 5191 OF 2021 DECIDED ON 15 January 2026.

7. On the other hand, learned APP for the respondent/State submits that during the course of investigation it was found that the applicant was operating the bank accounts of the Technomist Software Pvt. Ltd. and Codecrypt Technology Pvt. Ltd., wherein the amount of Rs.513.30 Crores and Rs.307 Crores respectively were deposited. It is submitted that the present applicant is the main accused in the present crime. It is submitted that considering the nature of crime, the custodial interrogation of the present applicant is necessary.

8. I have perused the papers of investigation. It appears from the statement of Director of the Technomist Software Pvt. Ltd. and Codecrypt Technology Pvt. Ltd., wherein Rs.513.30 Crores and Rs.307 Crores respectively were deposited that the present applicant was operating the bank accounts of the said companies and for that purpose the applicant was paying commission to him. There is other incriminating material against the applicant. Considering the nature of crime, I am not inclined to release the applicant on anticipatory bail. Hence, the Application is rejected.

[N.R.BORKAR, J.]