



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [B.A.] NO. 1171 OF 2025

Surendrakumar @ Vicky s/o Ramswaroop Gautam

-- VERSUS --

The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R.M. Daga, Advocate for the Applicant.

Mr. A.A. Madiwale, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 11, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.1049/2023 for the offence punishable under Sections 406, 420, 413, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, (IPC); Sections 66, 66(C) and 66(D) of the Information Technology Act, 2000, registered with Police Station Saoner, District Nagpur.

3. The informant, reported that on 16/11/2023, while working at Anushka Restaurant, he was approached by Vivek Tejram Chaure, who offered him Rs.2,000/- for accompanying him for some work and took him to a nearby location where Kuldeep Shahu, along with another person, allegedly took possession of the informant's Aadhaar card, PAN

card, and mobile phone. The accused allegedly photographed the informant's, and collected OTPs. Vivek Chaure instructed the informant that Rs.20,000/- would be credited to his bank account, of which he could retain Rs.2,000/- and the remaining Rs.18,000/- was to be handed over to the accused. However, as the account was linked to his wife, the transfer could not be completed. Thereafter, the accused allegedly misused the informant's personal documents and OTPs to open a new bank account in his name, through which funds were transferred without his consent. Based on the said information, the F.I.R. was lodged.

4. The learned counsel appearing for the applicant invited my attention to the order passed by this Court in the case of *Vivek Tejram Chawre -VS- State of Maharashtra, (Criminal Application [B.A.] No.414/2024*, dated 12/07/2024. He has further invited my attention to the order of the Supreme Court in the case of *Siddhant VS State of Maharashtra, arising out of SLP (Cri.) No.18607/2025*. Both the orders are arising out of the same charge-sheet. The learned counsel appearing for the applicant seeks parity considering the fact that Vivek was released by this Court and Siddhant, who is similarly situated as the present applicant, was granted bail by the Supreme Court. He

further submits that, considering the fact that the role attributed to Siddhant is more serious than that of the present applicant, and therefore, the present applicant is entitled for bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that there are serious allegations against the applicant. There was transaction of Rs.165,15,24,773/- which was made by the applicant along with co-accused persons. He further submits that considering the seriousness of the offence, the applicant may not be granted bail.

6. Upon considering the rival submissions, admittedly, this Court, in the case of **Vivek Chawre (supra)**, has considered the application and granted bail, observing that *“admittedly the involvement of the present applicant appears to be in the economic offence. But now considering the investigation has already complete and the charge-sheet is already filed, further incarceration of the present applicant is not required, therefore, the bail application deserves to be allowed by imposing certain conditions.”*

Further, the Supreme Court in the case of another accused – Siddhant has observed as under:-

“5. The report (charge-sheet) under Section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed but the charges have not yet been framed. Prosecution proposes to examine 48 witnesses to drive home the charges against the appellant. It is not in dispute that all relevant documentary evidence and digital records, which are likely to be led in evidence by the prosecution, have been seized. Question of tampering with the evidence is, thus, remote.

6. That apart, we are informed that co-accused - Vivek Chaware has been enlarged on bail.

7. Taking an overall view of the matter, in the light of the allegations levelled in the charge-sheet, the number of witnesses to be examined and the stage of trial, we are of the considered opinion that the appellant need not be detained in custody any longer; also, since the trial is likely to take some time to conclude, he could be admitted to an order for release on bail pending trial.”

7. Taking into consideration both the orders and the fact that the present applicant is also similarly situated with Siddhant, though the present applicant and other co-accused persons were involved in the entire online fraud to the tune of Rs.165,15,24,773/-, I am also inclined to grant bail on parity by imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Surendrakumar @ Vicky s/o Ramswaroop Gautam) be released on regular bail in connection with Crime No.1049/2023 registered with Police Station Saoner, District Nagpur, for the offence punishable under Sections 406, 420, 413, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, (IPC); Sections 66, 66(C) and 66(D) of the Information Technology Act, 2000, on his furnishing a P.R. bond of Rs.1,00,000/- (One Lakh Rupees) with two solvent sureties in the like amount;

(iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence;

(iv) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vi) Pending Misc. Application(s), if any, also stand disposed of.

[M.M. NERLIKAR, J]