



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

CRIMINAL APPLICATION (ABA) NO.402/2026

Mohd. Hanif Abdul Sattar Manihar

Vs.

The State of Maharashtra thr. P.S.O., Cyber Police Station, Amravati, Dist.
Amravati

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

Court's or Judge's orders

Shri S.N. Nandeshwar, Advocate for applicant
Shri A.M. Ghogre, APP for non-applicant-State

CORAM : PRAVIN S. PATIL, J.

DATE : 09.06.2026

1. Heard.
2. By this application, the applicant is seeking anticipatory bail in Crime No. 43/2025 dated 22.12.2025 registered with Cyber Police Station, Amravati, for the offence punishable under Section 318(4), 319(2), 61(2) and 316(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 66(c) and 66(d) of the Information Technology Act.
3. The case of the prosecution, in brief, is that one Gopal Borse, who is a retired employee of Maharashtra State Road Transport Corporation lodged a complaint to the Police Station alleging that he being involved in investing his amount in the share market, on 03.10.2025, he received a WhatsApp group link in which it has been alleged that they will give huge returns in turn of investment and also

give tips for purchasing share in the market. The complainant stated that he has received a link on his mobile phone of Monarch Wealth Circle and he voluntarily joined the said group believing that same is related to share market investment. It is further pertinent to note that the offence, which is registered, is against unknown persons by the Cyber Police.

4. During the investigation, it is found that the amount owned by the complainant was transferred in the account of the present applicant to the tune of Rs.4,30,000/- on 28.10.2025. It is further alleged that immediately after receipt of the said amount, the same was transferred to different accounts by splitting it into small figures. It is also reveals during the course of investigation that there are as many as 10 other fraudulent transactions made in the account of present applicant from other places in the country and near about Rs.70,00,000/- has been received in the account of the present applicant and present applicant immediately transferred that amount to various other accounts. As such, the notice under Section 35(3) of the Bharatiya Nyaya Sanhita, 2023 was issued to the present applicant by investigating officer and he was asked to explain as to why he should not be arrested in the matter.

5. According to the prosecution, the applicant did not co-operate in the investigation and, therefore, they need custody of the present applicant in the matter.

6. The applicant approached before this Court for grant of anticipatory bail by stating that he is doing the business and dealing in electronic devices and appliances under the name and style of A.S. Enterprises. He is having a business current account and, therefore, his account was used by many other customers for deposit the amount in his current account. He further stated that till the receipt of notice under Section 35(3) of the Bharatiya Nyaya Sanhita, 2023, he was not aware about any such transactions. He appeared before the non-applicant and his statement was recorded. He further stated on oath that his mobile phone and Bank account have already been seized by the investigating officer. In view of the above, it is the submission of the applicant that, in the facts and circumstances of the case, his custody is not required during the course of investigation in the matter.

7. I have heard applicant and learned APP at length. It is seen from the record that a notice under Section 35(3) of the Bharatiya Nyaya Sanhita, 2023 was served on the applicant on 20.02.2026. Immediately thereafter, he appeared before the investigating officer. It is also seen from the record that applicant has made a communication with the Branch Manager of Bandhan Bank at Goregaon East Branch, Mumbai, informing that there are certain illegal transactions in his account and, therefore, that amount which is received should be returned back and he is ready

to co-operate in the matter.

8. In the present case, considering the allegations leveled in the First Information Report and investigation which is going on, in my opinion, the custody of the present applicant would not be necessary as his mobile phone and account is already seized and all these allegations and investigation are based upon the Bank transactions. Hence, by directing the applicant to co-operate with the investigating officer, the anticipatory bail can be granted in the matter. Hence, I proceed to pass the following order:

ORDER

- i) Criminal Application is allowed.
- ii) In the event of arrest in Crime No. 43/2025 dated 22.12.2025 registered with Cyber Police Station, Amravati, for the offence punishable under Section 318(4), 319(2), 61(2) and 316(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 66(c) and 66(d) of the Information Technology Act, the Applicant – Mohd. Hanif Abdul Sattar Manihar be released on bail on his executing PR Bond in the sum of Rs.1,00,000/- with one solvent surety in the like amount.
- iii) The Applicant shall attend the Police Station, Cyber Police, Amravati, on every Monday and Tuesday on 11.00 a.m. to 04.00 p.m. and shall co-operate in the investigation.
- iv) The Applicant shall, at the time of execution of bond, furnish his address and telephone/mobile

number(s) to the Investigating Officer and the Court concerned, and shall not change the same till the final disposal of the case.

v) The Applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer.

vi) The Applicant shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the Investigating officer.

vii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

9. The Criminal Application is disposed of accordingly.

(PRAVIN S. PATIL J.)

R.S. Sahare