

B. A. No.4688/BA/2025

CNR No. MHMM18-018172-2025

C.R.No. 804/2025 of Santacruz PS.

ORDER ON THE BAIL APPLICATION FILED BY THE ACCUSED

1. This is an application filed by the accused ANIL MAHAVIRPRASAD KUMHAR AND PUSHPA HARISHANKAR BIND for granting bail. According to them, they are alleged to have committed an offences punishable under sections 318(4), 319(2) of The Bharatiya Nyaya Sanhita r/w.s. 66 (C)(D) of Information Technology Act. It is contended that, they have not committed any offence, as alleged. They have been falsely implicated in the false offence. It is further contended that, they are bread winner of their families. Lastly, they prayed that, they be released on bail.

2. I.O. and Ld. A.P.P. Shri Joshi for the State resisted the application and contented that, the offence is cognizable in nature and non-bailable. If accused released on bail and they will be absconded. They would tamper the prosecution witnesses if released them on bail. Accused by using credence of Dmat account of informant doing trading of shares amounting ₹.94,00,000/- and caused loss ₹.6,38,000/- without any authority. Lastly, they prayed for rejection of bail application.

3. Heard Ld. Advocate Shri Sherkhane for accused and Ld. A.P.P. Shri Joshi for the State.

4. Perused the record. The F.I.R. bearing No.804/2025 dated 01/08/2025, came to be registered, as per information given by informant. According to the informant accused persons have without any authority by obtaining credence of the Dmat account of his Late

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father does trading business of shares the loss to the tune of ₹.6,38,000/-.

5. Ld. Advocate Shri Sherkhane for accused submits that, accused does trading on the instructions of the informant and in the said transaction there was loss, therefore the false case has been lodged. If in case there would have been profit no case would have been filed by the informant. He further submits that, accused are bread winner of their families. If they not released on bail their family would suffer irreparable loss. Lastly he prayed that, application be allowed and they be released on bail.

6. Per contra, Ld. A.P.P. Shri Joshi for the State submits that, the investigation is yet to be completed. If accused released on bail, they would certainly tamper the prosecution witness. He further submits that, there is possibility of absconding of accused. Hence prayed for rejection of bail application.

7. The offence is cognizable and non-bailable. The F.I.R. itself discloses that, father of informant died on 14/05/2025 and despite of knowledge of said fact the accused by obtaining credence entered into Dmat account and committed trading of shares and caused the loss. The F.I.R. discloses further that, the active involvement of the accused in the offence. the investigation is in respect of complicated electronic devices, which yet to be completed. Further The reply of Investigating Officer shows that, similar types of four offences have been registered against accused persons in various police stations.

8. In order to substantiate the claim that, accused with consent of informant does the trading, nothing has been placed on record. Therefore, considering serious nature of the offence and as the

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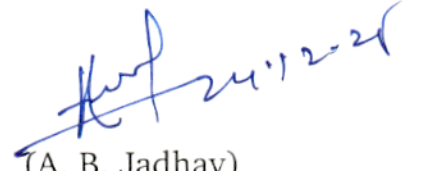
investigation is yet to be completed and further there is every possibility of tampering of prosecution witnesses, at this stage accused cannot be released on bail. Therefore, I proceed to pass following order.

ORDER

1 Application is rejected.

Date : 24/12/2025.

SRD



(A. B. Jadhav)

Judicial Magistrate, (First Class),
71st Court, Bandra, Mumbai.

Date : 24/12/2025.

Dictated on :- 24/12/2025.

Transcribed on :- 24/12/2025.

Checked on :- 24/12/2025.

Signed on :- 24/12/2025.