MHNG010003502025

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NAGPUR

SPECIAL CASE NO.28/2025

Applicant : Kabir @ Siddharth Shivshankar Das
Aged 21 years, Occ. Private
R/o. Sonimukh Road, South Pragnaaz
West Bengal

Versus

Non Applicant : **State of Maharashtra,**
Through Police Station Officer,
Police Station Saoner, Nagpur.

ORDER BELOW EXH.NO.28

(Passed on 6th day of March, 2026)

This application is filed by accused Kabir @ Siddharth Shivshankar Das, under section 483 of Bharatiya Nyaya Suraksha Sanhita, 2023 (in short 'BNSS') for grant of bail in Crime Vide No.961/2024 for the offence punishable under Sections 317(4), 316(2), 318(4), 61(2), 338, 340(2) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (in short 'BNS') read with Section 66(c), 66(d) of Information Technology Act, 2000 (in short 'IT Act') and under Section 3 of Protection of Interest of Depositors (in Financial Establishment) Act, 1999 (in short 'MPID') at Saoner Police Station, Nagpur Gramin.

2] Perused application and reply filed by investigation officer at Exh.No.41. Heard learned Spl.PP. and Investigation officer. Learned Counsel for the accused is absent since long.

3] Prosecution case shorn of details is as under :-

Accused No.1 Vaibhav promised informant Praful Gahulkar and other witnesses to pay Rs.4000/- per month for opening new bank accounts. Accused No.1 took the bank pass book, cheque book, ATM Cards and pin number of newly opened bank accounts. Thereafter, informant and other witnesses were receiving messages on their mobile regarding debit and credit of money in their newly opened bank accounts. Therefore, they checked their bank statements; to their surprise, from 08/07/2024 to 19/08/2024. They found unknown persons had deposited Rs.34,15,433/- and an amount Rs.32,49,813/- was transferred to other accounts and was withdrawn from ATM. Therefore, informant and witnesses questioned accused No.1 Vaibhav regarding the opening of new bank accounts and the money transactions. Accused No.1 Vaibhav disclosed the name of accused Kamlesh Gajbhiye and accused Adi on whose instructions accused Vaibhav had asked informant and witnesses to open bank accounts. Accused Vaibhav sent cheque book, ATM card and pin number to the accused Adi by courier at Kolkata. Thus, on this complaint crime was registered against accused. During investigation, it was disclosed that all accused conspired together to cheat gullible public by calling them with a false promise to install mobile towers of renowned companies and to pay rent of Rs.20,000/- per month which will be enhanced by 15% after a period of 03 years. Apart from this one person from the family would be employed at the mobile tower with monthly payment of Rs.20,000/-. Accused prepared false and forged documents in the name of Jio Infocom Ltd., Bharti Infratel Ltd., Ministry of Communication, Anti Pollution Certificate of World Health Organization. These were shared with prospective victims to gain their trust. Accused took Rs.15,500/- as a registration fees, Rs.35,800/- for Anti Pollution Certificate from investors and gave excuse that due to unavailability IGST Certificate, they could not deposit Rs.25,00,000/- in the account of victims. Thus, accused have conspired to cheat the gullible public by inducing them to part with their money by making false promise of windfall gains to victims.

4] Applicant submits that he has no criminal antecedent. He has deep roots in the society. Applicant is falsely implicated in the crime. There is no evidence to show involvement of applicant in the crime. Applicant submits that if released on bail he is ready to abide by the conditions imposed by the court.

5] Learned Spl.PP resisted the application on the ground that applicant is a member of the gang which cheats and defrauds the gullible public. Applicant was inducing gullible public to part with their hard earned money with a false promise of windfall gain. Accused used to connect with gullible public with a false promise to install mobile towers with a monthly rent of Rs.20,000/- which could be enhanced by 15% after 3 years. Accused further promised Rs.20,000/- per month salary to a family member to work in the mobile tower. He shared with them forged and bogus documents and gained their trust and induced gullible public to deposit money with him. Applicant was granted transit interim bail by

Kolkata court. But, applicant failed to seek further bail from this court and also failed to appear before the investigation agency for investigation. Therefore, if applicant is released on bail, he may pressurize the witnesses and tamper with the prosecution evidence and may also abscond. Hence, prayed for rejection of the bail.

6] Accused is found with incriminating material in the form of simcards, ATM cards, bank passbooks, check books and other documents which prima facie show his involvement in the crime. Applicant has induced gullible public with false promises to deposit their money with false promise of windfall gain. More than 12,000 people spread all over India have fallen victim to the fraud played by applicant. Several complaints are received to National Cyber Crime which are related to the applicant. The other accused in this case are yet to be arrested. If applicant is released he may influence the witnesses with his ill-gotten money. The offence under section 338 of BNS provides punishment upto life imprisonment. The offence is serious in nature.

7] The jurisprudential logic of a different approach to economic offences is not only the gravity of the crime, equally relevant is the ability of the offender, who is likely to be an influential person with either status or standing or means, to influence the course of trial. Economic offences are committed for personal profit and the casualty is the well being of the society. Such offences affect the economy of the country. Economic offences are committed with cool and cold blooded design, involve deep rooted conspiracy, and the intent is to satisfy personal greed regardless of the consequences and harm to societal interest.

8] The material on record reveal that the applicant is involved in a conspiracy to cheat and defraud gullible public like informant and others in a systematic manner and the punishment is likely to be severe in the event of conviction. Thus, having regard to huge amounts involved in the systematic fraud, there is a danger of the applicant absconding, if released on bail, or attempting to tamper with the evidence by pressurizing witnesses. Economic offenders pose a serious challenge before the criminal justice system. Devious mind set armed with unlimited ill gotten wealth may enable the applicant to influence the investigation, tamper with the evidence and pressurize witnesses. Thus, considering seriousness of alleged transactions, role played by applicant and its consequences. This is not fit case to exercise discretion under section 483 of BNSS in favour of applicant. Thus, I pass following order :-

ORDER

Application (Exh.28) is rejected.

NITIN HANMANTRAO JADHAV

Judgment
Digitally signed by NITIN HANMANTRAO JADHAV
Date: 2026.03.06 16:30:28 +0530

Nagpur. **(N. H. Jadhav)**
Dated : 06/03/2026 Additional Sessions Judge,
Nagpur.