

MHMM130315202026



IN THE COURT OF JUDICIAL MAGISTRATE (FIRST CLASS), 61ST
COURT, KURLA, MUMBAI
(Before Ms.Akshi Jain, Judicial Magistrate First Class)

CRIMINAL BAIL APPLICATION NO.722/BA/2026**IN****C.R. NO.489/2026****10) Rakesh Satiram Yadav****...Applicant****Vs.****The State of Maharashtra through
Govandi Police Station****...Non-applicant****WITH**

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**CRIMINAL BAIL APPLICATION NO.726/BA/2026****IN****C.R. NO.489/2026****9) Tausif Rais Ahmed****...Applicant****Vs.****The State of Maharashtra through
Govandi Police Station****...Non-applicant****WITH**


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CRIMINAL BAIL APPLICATION NO.727/BA/2026

IN

C.R. NO.489/2026

11) Arman Azad Mulla

...Applicant

Vs.

The State of Maharashtra through
Govandi Police Station

...Non-applicant

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CRIMINAL BAIL APPLICATION NO.728/BA/2026

IN

C.R. NO.489/2026

7) Aizaj Irfan Shaikh

...Applicant

Vs.

The State of Maharashtra through
Govandi Police Station

...Non-applicant

COMMON BAIL ORDER

(Passed on 04.08.2026)

By this applications the applicants/accused nos. 7) Aizaj Irfan Shaikh 9) Tausif Rais Ahmed, 10) Rakesh Satiram Yadav and 11) Arman Azad Mulla are being accused in C.R. No.489/2026 registered with Govandi Police Station for the offence punishable under Section

318(4), 319(2), 336(2), 336(3), 340(2), 61(2), 111 of B.N.S. read with Section 66(C), 66(D) of I.T. Act, 2000 seeks bail under Section 480 of Bharatiya Nagarik Suraksha Sanhita (In short, 'BNSS').

2. Perused the bail application and the say filed by Ld. A.P.P. and I.O. Heard Ld. advocates for accused no.7, 9, 10 and 11. Also, heard Ld. A.P.P. Shri. Balasaheb Misal for the State.

3. The Ld. advocates for the accused submitted that, the accused nos.7, 9 and 11 are permanent residents of Mumbai. Accused no.10 is permanent residents of Kalyan, Dist-Thane and They are falsely implicated in this case. They submitted that the accused are only earning members of their family. They have no direct involvement in the crime. Further, they submitted that the accused will not tamper with prosecution witnesses. The accused are ready to abide by the all conditions. Hence, he prayed for release of accused on bail.

4. Per contra, the learned A.P.P. for the State argued that the offence committed by the accused is serious and non bailable. Investigation is not completed. Accused nos. 7, 9, 10 and 11 are alleged to have provided information of the insurance policy holders of HDFC Ergo and providing SIM cards. The main accused is still absconding. Also, accused no.11 is having other two cases pending against him. Moreover, they may misuse their liberty to tamper prosecution evidence, they may abscond and investigation may get hampered, if they released on bail. Therefore, he prayed for rejection of the application. Similar say was filed by I.O. Hence, it is further prayed that application may be rejected.


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5. It is the case of the prosecution that the accused persons have been running a call center/racket wherein they collectively defraud the innocent persons in regard to revival of their lapsed insurance policies. Accused nos. 7, 10 and 11 are alleged to have provided private details of the insurance policy holders of HDFC Ergo. Whereas, accused no.9 is alleged to have provided SIM card. Therefore, considering the allegations levelled against the above accused, *prima facie* case is made out against them.

6. The Investigating Officer by his letter dated 20.07.2026 had added the offence punishable under Section 111, BNS against all the accused. However, upon the objections of advocates for the accused, the FIRs and the charge-sheets of previously instituted cases were called upon. However, the Investigating Officer in his letter dated 23.07.2026 mentioned that two FIRs- C.R.No.61/2024 (Rohtak Cyber P.S., Haryana) and C.R.No.43/2026 (New Delhi-Cyber P.S.)- are pending against accused no.11 Arman Azad Mulla and additional offence was added only against him. Such reply did not whisper about charge-sheets being filed, therefore, this Court called upon the Investigating Officer to submit in writing whether any charge-sheet was filed in relation to such previous cases and if yes, whether the cognizance of the Court is taken thereon. The Investigating Officer by his letter dated 27.07.2026 categorically mentioned that no charge-sheets have been filed and both the matters are pending at the stage of investigation. Therefore, considering all these submissions made by the Investigating Officer, this Court is of the opinion that Section 111, BNS is not attracted at all against the accused persons and I.O. has acted in haste without application of mind.



7. It is a settled principle of law that seriousness/gravity of the offence cannot be the sole ground to reject the bail. The present accused are alleged to have committed offence of cheating, which is punishable upto seven years and triable by this Court. It is evident that all of them are in magisterial custody. The custody of the accused is not required by the police. Accused no.7, 9 and 10 does not have any criminal antecedents. Accused no.11 is alleged to have other two cases pending against him and both are at the stage of investigation. Regarding submission of possibility that accused may tamper witness, commit same offence again and may flee from justice, appropriate conditions can be imposed upon this accused. The accused are ready to abide by all the conditions. In such circumstances, principle of law 'bail not jail' will come to rescue of the accused. By this way the interest of the prosecution and the liberty of the accused can be balanced. Accordingly, the following order is passed.

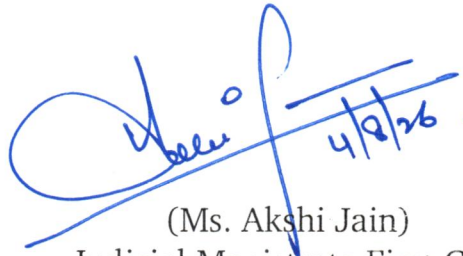
ORDER

The application is allowed on the following conditions :

- (A) Accused nos. **7) Aizaj Irfan Shaikh 9) Tausif Rais Ahmed, 10) Rakesh Satiram Yadav** and **11) Arman Azad Mulla** shall execute a personal bond of Rs. 50,000/- (Rs. Fifty Thousand only) each and furnish one or two sureties in like amount. In lieu thereof, they be provisionally released on cash bail of like amount for a period of one month.
- (B) Accused shall undertake to not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.



- (C) Accused shall undertake to not commit any similar offence.
- (D) Accused shall undertake to co-operate the police in investigation.
- (E) Accused nos. **7) Aizaj Irfan Shaikh 9) Tausif Rais Ahmed, 10) Rakesh Satiram Yadav** and **11) Arman Azad Mulla** shall attend the Govandi Police Station on every second and fourth Saturday between 09:00 am to 03:00 pm. until filing of charge-sheet.
- (F) The accused shall furnish detailed address and phone numbers of their two near relatives and shall undertake to intimate the Court regarding change of their address.
- (G) The record of this case be attached to the charge-sheet.
- (H) This order be communicated to Jail Superitendent, Mumbai Central Prison.



(Ms. Akshi Jain)
Judicial Magistrate First Class,
61st Court, Kurla, Mumbai.

Date: 04.08.2026