

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

MHMM130201222025



CRIMINAL BAIL APPLICATION NO.1162/BA/2025
IN
C.R. NO.240/2025

1) Pritesh Vishwanath Salian

...Applicant

Vs.

**The State of Maharashtra through
East Region Cyber Police Station**

...Non-applicant

WITH

MHMM130201232025



CRIMINAL BAIL APPLICATION NO.1163/BA/2025
IN
C.R. NO.240/2025

2) Mehul Kantilal Solanki

...Applicant

Vs.

**The State of Maharashtra through
East Region Cyber Police Station**

...Non-applicant


18/11/25

ORAL ORDER
(Passed on 11.11.2025)

By this application the applicant/accused No.1) **Pritesh Vishwanath Salian** and 2) **Mehul Kantilal Solanki** being accused in C.R. No.240/2025 registered with East Region Cyber Police Station for the offences punishable under Sections 318(4) of B.N.S. r/w. Section 66(D) of Information Technology Act seeks bail under Section 480 of Bharatiya Nagarik Suraksha Sanhita (In short, 'BNSS').

2. Perused the bail applications and the say filed by Ld. A.P.P. Heard Ld. advocate for accused and Ld. A.P.P. for the State.

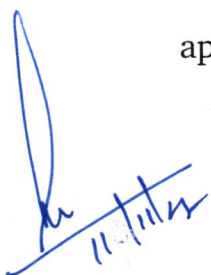
3. The learned advocate for the accused submitted that, the accused have been falsely implicated in this case and no prima facie case is made out against the accused. The accused are permanent resident of Bhayander, Dist-Thane. The accused neither committed nor participated in the alleged crime. The allegations made by the prosecution against the present accused is baseless and misconceived. The present accused are innocent and no incriminating material was recovered from them. The Ld. Advocate of the accused further argued that the accused did not have knowledge about the money and they does not have any active involvement in this matter. The accused are ready to abide by all the conditions. Hence, he prayed for release of accused on bail.

4. Per contra, the learned A.P.P. for the State argued, there is every possibility that after release they will not be available for trial or will abscond which will delay the trial. If the accused are released, there is every possibility of them tampering the evidence. Moreover, the investigation is pending and they may hamper the same. The



prosecution portrayed its strong objection to release the accused on bail. Similar say was filed by I.O. Hence, she prayed that application may be rejected.

5. Heard both the sides. It is a settled principle of law that seriousness/gravity of the offence cannot be the ground to reject the bail. It is evident from the record that, in this case of cyber fraud the victim was duped under the pretext of share market investment and was made to part with Rs.28,20,000/-. Out of such amount, accused no.1 being proprietor of Sai Avatar Enterprises have received Rs.7,00,000/- on the accused with Bank of India and Rs.12,00,000/- on the bank account with Cosmos Bank, out of the fraudulent amount. Further, it is alleged that accused no.2 had assisted accused no.1 in opening Bank account. Both of them had sold welcome kit to one Vijay Tiwari for the consideration of Rs.1,55,000/-. Also, during the period June 2025 to 27.10.2025, total unaccounted transactions of Rs.2,50,68,249.61/- are found. Thus, indeed a *prima facie* case is made out against accused. The scope of pending investigation is large and much time is required by the police to investigate the case and file the chargesheet. The I.O. has not provided in his reply that what exactly is the role of accused nor has he portrayed how the amount was utilized by the present accused. Rather, the I.O. in his say has categorically mentioned that the accused had handed over the banking welcome kit to the absconding accused. The police machinery has failed to portray the culpable *mens rea* or fraudulent intention of accused in the commission of crime at this juncture. Moreover, accused themselves have not utilized the said amount for their personal gain. This causes this Court to infer that the apparently bank account of the accused no.1 is merely means to the


11/11/25

commission of crime. The police does not require their custody nor have they reserved right to police custody. Accused nos.1 and 2 are permanent resident of Bhayander, Dist-Thane and they do not appear to be at flight risk. There are no criminal antecedents against these accused. Regarding submission of possibility that such accused may tamper witness, commit same offence again and may flee from justice, appropriate conditions can be imposed upon this accused. Accused is ready to abide by all the conditions, no purpose would be served by keeping the accused behind bars anymore. 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.

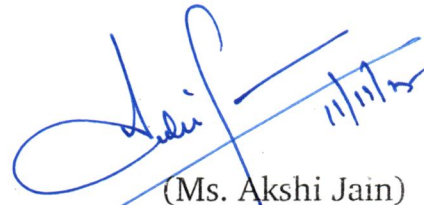
ORDER

The application is allowed on the following conditions :

- (A) Accused No. **1) Pritesh Vishwanath Salian** and **2) Mehul Kantilal Solanki** shall execute a personal bond of Rs. 50,000/- (Rupees Fifty Thousand only) each and furnish a solvent surety 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 him 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) The accused shall not leave India without prior permission of this Court.
- (F) The accused shall furnish detailed address and phone numbers of themselves and their two near relatives. They shall also undertake to intimate the Court regarding change of their address, anytime in future.
- (G) The record of this case be attached to the charge-sheet.



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

Date: 11.11.2025