IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE,
37TH COURT, ESPLANADE MUMBAI
BAIL APPLICATION NO. 146 OF 2026
C.R. NO. 42/2025 NODAL CYBER POLICE STATION, MUMBAI

ORDER

Accused Sunny Ravindra Lodha has moved application for bail.

2. It is the contention of the applicant/accused that he is in custody for about 20 days. The investigation is based on documents which are already in the custody of the investigating agency, hence no purpose will be served by keeping him in the custody. No recovery or discovery has been made at his instance. The investigating regarding him is completed. There is no material to show that he has committed any offence. He is innocent. He has no relation with the alleged offence. The investigation is over and charge-sheet has been already filed. Hence, keeping him in the custody will be punitive in nature. There is absence of his specific role in the charge-sheet. There is non-compliance of section 58 and 62 of the B.N.S.S. He is ready to abide by any condition imposed by the court. He prays to release him on bail.

3. The learned APP opposed the application on the ground that the application is devoid of merit and deserves to be rejected. The applicant/accused being part of an organized cyber fraud causing loss exceeding Rs.58 Crore through digital arrest cannot claim automatic entitlement to bail merely because the charge-sheet has been filed. The filing of charge-sheet is not a change in circumstances. The accused has committed grave economic offence. Mere filing of the charge-sheet does not dilute the seriousness of charges. The investigation remains

ongoing in material respects particularly regarding tracing of the amount of Rs.58 Crores and identifying all conspirators. If the applicant/accused released on bail, he may commit similar type of offence. The charge-sheet establishes prima facie evidence of conspiracy involving all 31 accused. The grant of bail will trigger inevitable parity claims from all accused. Grant of bail in this high profile case involving massive fraud will embolden other criminal syndicates and create perception of impunity for economic offenders. It will signal that even after charge-sheet, serious economic crimes can be treated leniently. The trial is about to start through oral, documentary and digital evidence, the release of accused will complicate witness protection, enable collusion amount co-accused and create logistical challenges in securing his presence for trial. She prays for rejection of the application.

4. Heard both sides. Perused the record. The applicant/ accused has been arrested for the offence punishable under section 61(2), 112, 126(2), 204, 205, 308(2), 316(2), 318(4), 336(2), 338, 340(2), 351 of the B.N.S r/w. section 66C, 66D of the Information Technology Act. The offence punishable under section 338 of the B.N.S. provides punishment of imprisonment for life.

5. The learned advocate for the applicant submitted that the applicant/accused only earning member of their family. No specific role has been attributed by the prosecution. He has no criminal antecedent. The investigation is completed. It is further submitted that the arrest of the accused is an illegal and direction given by the Hon'ble Supreme Court in the case of Arnesh Kumar has not been followed. He also

placed his reliance on the propositions of law laid down by the Hon'ble Supreme Court in the case of **Arnesh Kumar V/s. State of Bihar** and **Santender Kumar Antil V/s. CBI**. It is further submitted that investigation of the case is completed. Further custody of the applicant is not warranted. Hence, he prays for bail.

6. It is not disputed that the propositions of law laid down by the Hon'ble Supreme Court are binding on this Court, however, considering the nature of the offence, stage of the investigation, aforesaid propositions will not be helpful to the applicant/accused.

7. It has been alleged by the prosecution that the accused persons cheated to the informant by purporting to be a officer of TRAI and CBI. The informant was cheated for the amount of Rs.58,13,50,000/-. It is very huge amount. It is the offence relating to digital arrest. Now a days, such type of the offences are increasing.

8. On perusal of the charge-sheet it appears that the applicant/accused has played active role while committing the offence. Only filing of the charge-sheet is not a sufficient ground to release him on bail.

9. The learned advocate for the accused tried to impress upon the Court that the arrest of the accused is itself illegal and therefore, the accused is entitled to get bail. No doubt, if the arrest of any accused person is an illegal, he is entitled to get bail. However, in this case, while attending the remand the Court has very carefully observed and verified regarding the compliance of all provisions contemplated in the

B.N.S.S. and the directions given by the Hon'ble Supreme Court, therefore, I do not find substance in this point. Considering the role played by the accused, only filing of the charge-sheet is not sufficient ground to release the accused on bail. Hence, I pass the following order :-

ORDER

The application is rejected.

VINOD RAMRAO PATIL

Digitally signed by VINOD RAMRAO PATIL
Date: 2026.02.21 12:09:27 +0530

Date : 20.02.2026

Addl. Chief Judicial Magistrate,
37th Court, Esplanade, Mumbai