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MCRC-27869-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 16th OF JULY, 2025MISC. CRIMINAL CASE No. 27869 of 2025*MAHESH FATEHCHANDANI**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Chinmay Kalgaonkar - Advocate with Shri Aadesh Rawat-
Advocate for the applicant.

Shri Vishal Singh Panwar -Govt. Adv. appearing on behalf of
Advocate General.

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ORDER

- 1] They are heard and perused the case diary.
- 2] This is the applicant's second bail application filed under Section 483 of *Bharatiya Nagarik Suraksha Sanhita, 2023*/ Section 439 of Cr.P.C. as he/she is implicated in connection with Crime No.530/2024, registered at Police Station Nanakheda, District- Ujjain (MP) for offence punishable under Sections 318(4), 319(2), 49, 3(5) BNS, 2023 and under Sections 66(C) and 66(D) of the I.T. Act. The applicant is in custody since 10.12.2024.
- 3] Applicant's second bail application-M.Cr.C. no.12544/2025 was dismissed on merit by this Court vide its order dated 28.03.2025.
- 4] The allegation against the applicant is of commission of cyber fraud along with five other co-accused persons wherein, they defrauded the



complainant Swami Pradeeptanand to the tune of total Rs. 71 Lakhs, who alleged that on 12.11.2024, he received a phone call from an unknown number informing that he had sent a parcel containing drugs from Mumbai to Taiwan which has been returned back to Mumbai and now the CBI is enquiring in the matter, and thereafter, some persons impersonating as the officers of Andheri Police Station also contacted him and put him under the surveillance, and subsequently the aforesaid amount was got transferred by them from the account of the complainant. Subsequently, the fraud surfaced when the complainant went to the Bank and during the investigation the accused persons were arrested, including the present applicant.

5] Counsel for the applicant has submitted that a sum of Rs.9,50,000/- was credited in his account and after taking his commission of 2% i.e., Rs.19,500/- he had transferred the same to the other co-accused Yash Agrawal and Mayank Sen, and thus, after transferring of the money through various accounts, it went to the hands of co-accused Vishal and Shubham and finally, the amount was received by the main accused Vinayak Pandit. Thus, it is submitted that the applicant was not aware of the aforesaid fraudulent transaction and had merely taken his commission for transfer of the money which came in his account. It is also submitted that charge sheet has already been filed and the applicant is lodged in jail since 10.12.2024, and the final conclusion of the trial is likely to take a long time. Counsel has also submitted that none of the offences alleged against the applicant are punishable for more than seven years, in such circumstances, the applicant deserves to be released on bail, considering the period of incarceration.



6] Counsel for the respondent/State, on the other hand, has opposed the prayer and it is submitted that looking to the involvement of the applicant along with the other co-accused persons in online fraud, no case for grant of bail is made out.

7] Having considered the rival submissions, and on perusal of the case-diary, it is found that from the possession of the present applicant only Rs. 5,000/- has been recovered, and as per his memo under Section 23 of the BSA 2023, he is engaged in the grocery marketing, and no other criminal case has been registered against him, this Court is inclined to allow the present bail application.

8] Accordingly, without commenting on the merits of the case, the application filed by the applicant is hereby **allowed**. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of Rs.25,000/- (**rupees twenty five thousand**) with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

9] Accordingly, the application is **allowed** and disposed of.

C.c. as per rules.

(SUBODH ABHYANKAR)
JUDGE



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