

MHCC020048912026



IN THE COURT OF SPECIAL JUDGE (CBI) FOR GREATER BOMBAY

CRIMINAL BAIL APPLICATION NO.898 OF 2026

IN

CRIME NO.247/2024

Vivek Arvind Kumar

Age 31 Years, Occupation : Business,

Residential address at:

Vikrampur, Parbalpur, Nalanda,

Parwalpur, Bihar- 803 114.

.. Applicant.

V/s.

The State of Maharashtra

(At the instance Dongri Police Station)

.. Respondent.

Appearance :

Adv. Prem Kumar Pandey alongwith Adv. Devendra Agrawal for applicant/ accused.

APP Anand Sukhadeve for the respondent/State.

CORAM : H.H.THE SPECIAL JUDGE (CBI)

A. P. KANADE

DATED : 07.05.2026 (C.R.NO. 53)

ORDER

This is bail application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita (In short BNSS) the applicant/accused requested to release him on regular bail in C.R. No.247/2024 registered

with Dongri Police Station for the offence punishable under Sections 409, 420, 465, 471 and 120-B of IPC.

2. In brief, the prosecution case is as under -

It is the case of the prosecution that the informant is a Medical practitioner having completed MBBS in November-2020. He was willing to complete Post-graduation course (PG for short). In March- 2023 informant came across with an advertisement by accused firm/institute namely "Internationally" on Instagram with respect to PG in Radiology at Spain. Accordingly, informant contacted on number displayed in advertisement which belongs to Vivek Kumar. Vivek Kumar informed informant about details of PG course. He further told informant that he would be required to pay around Rs.15 Lakhs, to complete the course. Believing the assurance of accused Vivek Kumar and co-accused, informant paid an amount of Rs. 15 Lakhs from time to time, as detailed in the FIR. Accused Rahul Gautam was also a contact person. Informant contacted him on various occasions about the course information and payments.

3. It is further alleged that informant was provided with VISA and was sent to Spain. Accused failed to provide accommodation at Spain, as was promised. Informant was required to undergo Spanish language course, which he completed by October-2023. Accused thereafter delayed admission process to PG course on one or the other pretext. Accused had tendered admission letter of Education Department at Barcelona Municipal Corporation. However, said letter was found to be forged and fictitious. Co-accused Rahul again handed

over another admission letter with respect to Juan Carlos Hospital. On inquiry by informant with Health Department of Juan, he came to know that said document admission letter is also bogus. As such informant was required to come back to India, without any course. Hence, the FIR.

4. This is successive bail application after filing of the charge-sheet against the applicant/accused. The applicant/accused has raised the grounds that he has been falsely implicated in the present case. There is change in circumstance, since rejection of his previous bail application. There is amicable settlement between the complainant and applicant/accused and the applicant/accused has repaid an amount of Rs. 14 Lacs to the complainant. His further custodial detention is not required. He is ready to abide all terms and conditions that may be imposed on him. Hence, this application.

5. Investigation Officer and APP have filed their Say at Exh.2 and 5. They have submitted that the applicant/accused is habitual offender. Duped amount of Rs. 30 Lacs is yet to be recovered. If the applicant/accused is enlarged on bail, he will not repay the amount to the complainant. There is possibility of tampering of prosecution of evidence. Hence, it is prayed to reject the application.

6. Heard both the sides. Perused the papers on record. The applicant/accused has relied on following case laws :

- i] Sharad Vs. The State of Maharashtra and Anr. In Criminal Appeal No. 1221/2019 dated 08.08.2019.

- ii] Sachin Vasant Kolekar Vs. The State of Maharashtra in Bail Application No. 334/2023 dated 29.03.2023.
- iii] Haresh Prem Sarwan Vs. State of Maharashtra in Bail Application No. 381/2023 dated 29.03.2023.
- iv] Karan Soran @ Karan Sheoran Vs. State of Punjab in CRM-M.No321/2026 dated 15.01.2026.
- v] Pawar Virendrasinh @ Billa Ramashankarsinh Vs. State of Gujarat in R/Criminal Misc. Application No. 22142/2018 dated 17.12.2018.
- vi] Kamal @ Kamal Choudhary Vs. State of Madhya Pradesh in Criminal Appeal No. 992/2025 dated 28.02.2025.
- vii] Pratik Sudhir Jadhav Vs. State of Maharashtra in Bail Application No. 1863/2023 with Criminal Application No. 67/2024 dated 10.01.2024.

7. After going through the papers on record it reveals that since last one year applicant/accused is in judicial custody. In the present case original complainant Dr. Mohammed Junaid Mohammed Shoeb Girnari has filed his affidavit at Exh.4. In the affidavit it is mentioned that the complainant and the applicant/accused have amicably settled the matter and the applicant/accused handed over two demand drafts to the complainant and those demand drafts are duly encashed by the complainant. The complainant has no objection to grant of bail to the applicant/accused. After going through the Additional Say Exh.5, it reveals that witness/victim Dr. Dilip Pawar has also compromised the matter with co-accused Archana Gautam. It is mentioned in the reply that witness/victim Dr. Dilip Pawar has

received cheque of Rs. 19,80,898/- from co-accused Archana Gautam. Witness/victim Dr. Dilip Pawar has no objection to grant of bail to the applicant/accused. Since last one year applicant/accused is in judicial custody. Co-accused Archana Gautam is on bail. The complainant and victim amicable settled the matter with the applicant/accused and they have no objection to enlarge the applicant/accused on bail. Considering the aforesaid reasons, I am of the view that application deserves to be allowed, but on certain conditions. Hence, the following order :

ORDER

1. Criminal Bail Application No.898/2026 is allowed as under:
 - a. Applicant/accused Vivek Arvind Kumar be released on bail on executing personal bond of Rs.50,000 (Rs. Fifty thousand only) with one solvent surety of the same amount in Crime No.247/2024 registered at Dongri Police Station.
 - b. The accused and the surety shall inform the police authorities as well as the trial court, the change of their residential address while the accused is on bail.
 - c. The accused shall not make any inducement or threat 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 or tamper with the evidence.
 - d. The accused shall not commit any offence similar to the offences of which he is accused in the present matter.
 - e. The accused shall not leave India without prior permission of the court.
 - f. Bail before the Court of Judicial Magistrate, First Class.

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2. Criminal Bail Application No. 898/2026 is disposed off.

Mumbai:
Date: 07.05.2026

(A. P. KANADE)
Special Judge (CBI)
Court Room No.53,
Gr. Bombay.

Dictated on : 07.05.2026.
Transcribed on : 07.05.2026.
Signed on : 07.05.2026.

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“Certified to be true and correct copy of the original signed order”.

07.05.2026
at about 05.30 P.M.

(Pushpa Rajan Vengurlekar)
Stenographer (H.G.)
Court Room No.53

Name of the Hon'ble Judge : Shri. A.P. Kanade
(Court Room No.53)
Date of pronouncement of Judgment/Order : 07.05.2026
Judgment/Order signed by Hon'ble Judge on : 07.05.2026
Judgment/Order uploaded on : 07.05.2026