

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 3191 OF 2022

Gautam Shyamprasad Pandey ...Applicant

vs.

The State of Maharashtra ...Respondent

Adv. Hrishikesh Mundargi a/w Adv. Swarali Joglekar i/by Mr. R. V. Gupta -Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

PSI Subhash W. Salvi – Cyber Cell, Thane City

CORAM : S. M. MODAK, J.

DATE : 13th JUNE, 2023

P. C. :-

1. Heard learned Advocate Shri Mundargi for the Applicant who is one of the charge-sheeted accused and learned A.P.P.

2. The Cyber Cell Crime Branch, Thane City has filed charge-sheet on the complaint of one Samrat Chaudhari. It was registered on 27/04/2022 under Sections 420, 409 read with 34 of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors Act.

3. The first informant is in the name of himself and his wife and other investors have invested total amount of Rs. 7,58,560/- in the Company by name 'Mytoken Wallet Trading Private Limited'. The

Company has neither returned the principal amount nor the interest. The said Company has launched various schemes.

4. After completion of the investigation, they have come to conclusion that there was office premises taken on leave and license basis from the Licensor/owner by name Rajen Hemchand Gada. There is a leave and license agreement executed in between the same Rajen Hemchand Gada and Blockchain token Private Limited. It was executed on 03/02/2022 and it is in respect of the premises, being Office no. 504, situated at Summit Business Park, Andheri Kurla Road, Andheri (E).

5. The prosecution claims that the present Applicant has signed as witness to this agreement. It is their further case that the present Applicant was instrumental in making this premises available. There is a statement of the witness by name Amol Ujgare, at page no. 87. The said Amol works as Salesman in a Company by name 'Impact Consultants'. He was introduced to one Tridip Guha who is one of the Charge-sheeted accused. Through the present Applicant, the witness came to know that the Tridip Guha was in need of the premises.

6. Being a Salesman, the said witness Amol was aware that

the owner Rajen Gada owns one premises at Andheri. Accordingly, the present Applicant has interacted as an agent in between the said transaction. The agreement as said above was also executed. The statement further reveals that initial premises charges were paid to the owner. The office was kept open for two days. But later on it was closed. Even the present Applicant informed to the owner that the Company is going to close that office.

7. With the assistance of the both the sides, I have also perused the affidavit-in-reply. It is on page no. 329. As per the said affidavit, in all nine investors have invested Rs. 25,46,934/- in the Mytoken Wallet Trading Private Limited'. Even though it may be true that the Applicant has acted as middle man and even though it may be true that he has received certain amount towards brokerage charges, no materials are pointed out to show that the Applicant at any time has interacted himself with the investors or any money from the investors is transferred to his account.

8. In view of the above, case for bail is made out. Hence the following order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant-Gautam Shyamprasad Pandey

arrested in connection with C.R. No. 183 of 2022 registered with Khadakpada City Police Station for the offence punishable under Sections 420, 409 read with 34 of the Indian Penal Code and under Section 3 of the Maharashtra Protection of Interest of Depositors Act be released on bail on furnishing Personal bond and Surety bond in sum of Rs. 25,000/-.

- (iii) The Applicant is directed to furnish surety who is having local residence from Thane District.
- (iv) He is directed to co-operate the Police as and when called and to attend the trial court punctually.
- (v) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail after notice.

9. It is made clear that the observations made herein are prima-facie, and the trial Court shall decide the case on its own merits, without influenced by the observations made in this order.

10. Application is disposed of in the aforesaid terms.

11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]