

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

SATISH  
RAMCHANDRA  
SANGAR

**BAIL APPLICATION NO.3707 OF 2024**

Digitally signed by  
SATISH RAMCHANDRA  
SANGAR  
Date: 2024.10.19  
16:42:17 +0530

**Babita Kishor Kumar**

Age : About 33 Years, Occupation : Housewife,  
Residing at : C/o. : Kishor Kumar, B – 3, Gali  
No.5, Amar Vihar Karawal Nagar, Karawal  
Nagar, North East Delhi, Delhi – 110094.

**...Applicant**

**Versus**

**The State of Maharashtra**

(Through Khadakpada Police Station)  
(Currently lodged in Kalyan Central Prison)

**...Respondent**

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|                                                |                               |
|------------------------------------------------|-------------------------------|
| Mr.Ankit R. Takle i/b. Mr.Tarsem Singh Gabbi:- | Advocates for Applicant.      |
| Mr.Ashok S. Gawai:-                            | APP for Respondent – State.   |
| Mr.Nilesh Kanade – API:-                       | Economic Offences Wing–Thane. |

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**CORAM : S. M. MODAK, J.**

**DATE : 18<sup>th</sup> OCTOBER 2024**

**P. C. :-**

1. Heard learned Advocate for the Applicant and learned APP.
2. The Applicant is arrested in connection with an offence registered at Khadakpada Police Station, Kalyan, District : Thane

under Sections 420, 409, 34 of the Indian Penal Code, 1860 (“**IPC**”) and under Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 (“**MPID Act**”).

3. The First-Informant is a purchaser of Cryptocurrency. During the period of 15<sup>th</sup> January 2022 till March-2022, he and his wife to the tune of Rs.3,60,560/- (Rupees Three Lakh Sixty Thousand Five Hundred Sixty) and other two persons to the tune of Rs.3,98,000/- (Rupees Three Lakh Ninety Eight Thousand) amounting to Rs.7,58,560/- (Rupees Seven Lakh Fifty Eight Thousand Five Hundred Sixty) have invested in Cryptocurrency in the Company – Mytoken Wallet Trading Private Limited. They were neither returned the principal amount nor the interest. That is how, the FIR.

4. Charge-sheet is filed by Cyber Cell, Crime Branch, Thane against several Accused. One of them is the Applicant.

5. Bail is asked on the ground of absence of materials and on the ground of parity. The co-accused who are granted bail are as follows:-

(a) **Gautam Shyamprasad Pandey:-**

Bail is granted by this Court vide order dated 13<sup>th</sup> June 2023. (Bail Application No.3191 of 2022).

(b) **Azim Ahemad Siddique:-**

Bail is granted by the trial Court i.e. Additional Sessions Judge – Kalyan vide order dated 7<sup>th</sup> July 2023. (Order below Exhibit-12 in Special Case (MPID) No.205 of 2022.

(c) **Vikramjeet Paramjeet Singh:-**

Bail is granted by the trial Court i.e. Additional Sessions Judge – Kalyan vide order dated 21<sup>st</sup> December 2023. (Order below Exhibit-15 in Special Case (MPID) No.205 of 2022.

(d) **Harvindar Singh Manjeet Singh:-**

Bail is granted by the trial Court i.e. Additional Sessions Judge – Kalyan vide order dated 19<sup>th</sup> September 2024. (Order below Exhibit-48 in Special Case (MPID) No.205 of 2022.

6. Whereas, Bail Application of this Applicant was rejected on 4<sup>th</sup> October 2022 and 4<sup>th</sup> May 2023 by the trial Court.

7. The allegation against this Applicant is, from her Bank Account, an amount of Rs.7,00,000/- (Rupees Seven Lakh) is paid to Neha Gada, wife of Rajen Hemchand Gada. He is the owner of the premises and co-accused Sanjay Shrivastav and Gautam Pandey are the employees of the Company. There is a reference of 40 mobile phone numbers registered with email account of one Babita Phogat. It is mentioned in Para No.6 of the order dated 19<sup>th</sup> September 2024

passed by the trial Court for Applicant – Harvindar Singh (Page No.539). Except that, no other material is pointed out by learned APP.

8. Case for bail is made out. One cannot ascertain when the trial will start. In view of that, following order is passed:-

### **ORDER**

- (i) Bail Application is allowed.
  - (ii) The **Applicant – Babita Kishor Kumar** arrested in connection with **C.R. No.183 of 2022** registered with **Khadakpada Police Station, Kalyan, District : Thane** for the offences punishable under Sections 420, 409, 34 of IPC and under Section 3 of MPID Act, **be released on bail on furnishing personal bond and surety bond of Rs.25,000/-** (Rupees Twenty Five Thousand Only) and **also to furnish a local surety from Kalyan Taluka.**
  - (iii) The **Applicant not to threaten the prosecution witnesses or to allure them in any manner.**
  - (iv) The Applicant to attend the trial Court punctually.
  - (v) **In case of breach** of the above conditions, the bail of the Applicant is **liable to be cancelled after notice.**
9. In view of the above, **Application is disposed of.**
10. The parties to act upon an authenticated copy of this order.

[S. M. MODAK, J.]