

Navnath Waghmare (RA)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3110 OF 2025

Rajendra Bagirath Singh ...Applicant
Versus
State of Maharashtra ...Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 4865 OF 2025

Namdev Vishnu Kale ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Neeraj Yadav a/w Faiz a Shaikh, Deena Punjani for the
Applicant in B.A. 3110 of 2025
Mr. Ashwin R. Kapadnis for the Applicant in 4865 of 2025
Mr. Ashoik S. Gawai APP for the Respondent-State
Mr. V.S. Gawale PSI, Gavdevi Mumbai

CORAM: R. M. JOSHI, J.

DATED: 04th MARCH, 2026

PC:-

1. The Applicants are seeking bail in connection with Crime No. 761 of 2024 registered with registered with Gavdevi Police Station Mumbai for the offences punishable under Sections 318(4), 111(2) 111(3), 114(4) r/w 3(5) of the BNSS and Section 66(C) (D) of the Information Technology Act, 2000

2. On the basis of complaint made by the complaint Nandlal K. Punjabi lodged with Gavdevi Police Station, present Applicants and co-accused were came to be arrested. It is alleged that on 23.10.2024, complainant received link on his mobile phone from 8604025471 to join a WhatsApp group. Since the complainant was having Demat account, he thought the said link pertains to the said company. He therefore, joined WhatsApp group. He was informed about the opening of new account and therefore he opened new account and he was asked to send Rs. 1 Lakh through the link, which he sent. This ultimately however found to be a dubious transaction. During the course of investigation, it was found that the present Applicants with co-accused have duped number of persons. On conclusion of investigation chargesheet came to be filed.

3. Learned counsel for the Applicant submits that out of 14 accused persons, 10 accused persons are already enlarged on bail. It is their contention that the role attributed to this co-accused is of higher degree than one alleged against the present Applicants. It is their contention that in respect of accused Rejendra Singh on the basis of the bank accounts reflected in telegram group, his complicity is sought in the crime. It is further submitted that in fact the accused persons whoever opened the account are also granted bail. It is his submission that in view of the same applicant Rajendra Singh is entitled to get enlarged on bail.

4. As far as Namdev Kale is concerned learned counsel for the Applicant submits that there is no evidence against the present Applicant except air-ticket to China found on his mobile phone and that he was seen with the co-accused. It is his submission that as compared to the role alleged against the accused, who is on bail attributions against him are of lesser degree with regard to the antecedents it is submitted that though evidence are registered against him they are not pertaining to the cyber crime .

5. Learned APP opposed the application by submitting that an amount over Rs. 43 Crores is involved in the crime in question. It is his submission that the evidence on record is sufficient to connect the Applicants with the crime.

6. There is no dispute about fact that out of 14 accused persons, 10 are granted bail by the trial Court. In so far as co-accused Sandip is concerned as recorded in paragraph 8 of order dated 25.03.2025 passed in Criminal Bail Application No. 657 of 2025, the said accused is said to have open the bank as per the instruction of the co-accused. No such allegation is there against present applicants nor there is evidence on records to that effect.

7. It is pertinent to note that Sandip is granted bail on 25.03.2025, and bail granted to other accused bail in the year 2025. In spite of the said fact, there is no challenge made to the order on bail granted to the co-accused. As far as antecedents are concerned the offences against the Applicant-Namdev are not

related to cyber crime. Moreover having regard to the nature of allegations against him and evidence on record and also having regard to the lesser role attributed to the present applicants in the crime in question, they are entitled to be enlarged on bail.

8. Hence, following order.

ORDER

- i) The applications stand allowed.
- ii) Applicants are enlarged on bail in connection CR. No.761 of 2024 registered with Gavdevi, Police Station Mumbai, Applicant be enlarged on bail on furnishing PR Bond of Rs. 30,000/- with one or two for the sureties subject to satisfaction of the trial court.
- iii) Applicants are directed to appears on each date of hearing before the Trial Court till conclusion of the trial, unless exempted.

(R. M. JOSHI, J.)