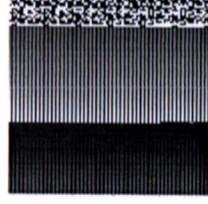


MHCC020104122024



IN THE COURT OF SESSION FOR GREATER BOMBAY
CRIMINAL BAIL APPLICATION No.1682 OF 2024

Roopesh Bhupendra Singh
Aged 34 years, Occ – Service,
Residing at Room No.203,
Archit Co-Op. Society, Near
Ashish Restaurant, MIDC,
Dombivali (E), Thane.

... Applicant

- Versus -

The State of Maharashtra
(At the instance of West Division,
Cyber Police Station Bandra Mumbai,
vide CR. No.10/2024)



Respondent

Appearance :-

Advocate Siddharth Pimpale for the applicant.
APP Iqbal Solkar for the respondent / State

Certified copy supplied on Payment
as usual charges Vide Receipt
No. 0289206 dated 2/08/24
PAC
58.24

Superintendent
City Sessions Court, Bombay

CORAM : V. M. PATHADE
ADDITIONAL SESSIONS JUDGE,
COURT ROOM No. 30.
DATED : 30/07/2024

ORDER

By this application the applicant named above would seek regular bail in connection to Crime No. 10 of 2024 registered with West Region, Cyber Police Station Bandra, Mumbai u/s. 419, 420, 465, 467, 468, 471 and 120 B of Indian Penal Code and Section 66 (C), 66 (D) of Information Technology Act.

2. It is contended that the applicant accused is residence of Room No.203, Archit CHS, Near Ashish Restaurant, MIDC, Dombivali East, Thane. The subject FIR came to be registered on 26.01.2024. The applicant accused has been arrested on 20.03.2024. After his initial police custody, he was remanded to Judicial Custody. His bail application is dismissed by the Id. Metropolitan Magistrate 12th Court Bandra, Mumbai on 06.05.2024. The investigation in to the crime in question culminated in filing a charge sheet before the Id. Trial Court. As per the case of the prosecution a sum of Rs. 39,36,340/- was transferred / credit into an ICICI Bank Account standing in the name of M/s. Rupali Fashion. The said account is opened by accused No.1 Ketab Ali Kabil Bishwas. The said accused Ketab Ali during the course of his custodial interrogation by the police implicated the present applicant alleging that he was looking after and handling all the transactions made in the said bank account. Pursuant to the applicant's arrest in the subject crime, he was arraigned in several Cyber crimes in order to harass him. Except Crime No. 11 of 2024 registered with East Region Cyber Police Station he is enlarged on bail in other crimes.



3. The applicant would further state that he is not named in the subject crime. He has been arrested on mere suspicion which is baseless. There is no material to connect the applicant accused with the crime in question. The statement made by the co-accused is not admissible. The applicant never interacted with the informant victim nor it is alleged that the applicant accused anyway induced the informant to part with his money which is the subject matter of the crime in question. The evidence involved in the crime is in the nature of documents and electronic evidence. The applicant accused is under

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confinement for over four months. His custodial interrogation is unwarranted. He is not a beneficiary of any amount involved in the subject crime. As per the charge sheet the informant was in regular contact with the women named in the complaint / FIR who induced him to part with his money. Those women and other persons who were in direct contact with informant and involved in the commission of the crime in question are roaming around scot - free but the applicant accused, an innocent man is being put to incarceration. No useful purpose can be served by keeping the applicant accused behind the bars. He has no criminal antecedent except his arrest in series of similar crime foisted on him after his arrest in the subject crime. He is ready to abide by the terms and conditions that may be imposed by this court while admitting him to bail. He preferred no other similar bail application in relation to the crime in question before any other court.

Hence the application.



The respondent / State would oppose the application for bail vide its reply below Ex. 2. It is stated that on the instruction of the accused persons, the informant victim has transferred / credited a large sum of Rs. 39,36,340/- in to the ICICI Bank Account standing in the name of Rupali Fashion, held by accused Ketab Ali Kabil Vishwas, who has been arrested by police on 26.02.2024 at about 4.30 pm. The said accused Ketab Ali during his police custody stated that he has given the said account to the present applicant accused for its use. The applicant accused deals in getting loan sanctioned from the banks to various borrowers. Hence the applicant accused came to be arrested on 21.03.2024 at 8.00 pm. The investigating agency seized one Samsung mobile phone from the applicant accused and it was opened in presence

of the panch witness and screen shots were taken of the relevant electronic record from it. The co-accused namely Nisha Yadav involved in the crime in question also came to be arrested and during her search one mobile phone from her persons was recovered. During the search of her residential premises several documents and unaccounted amount came to be seized. During the course of investigation it is transpired that there were exchange of Whatsapp chat / conversation between the applicant accused and co-accused Nisha Yadav from which it is seen that they have opened 30 to 40 bank accounts in the banks in the name of several bogus entities such as Sai Enterprises, Sattyam Enterprises, Laxman Fabric Trading, Manisha Fabric Trading, Sora Enterprises, Khush Enterprises, Jalan Enterprises, Muskan Enterprises, Ajay Fabric Trading, Chhaya Enterprises, Rani Trading, Excel Trading, Onkar Traders, S.K. Enterprises, Fancy Fan Collection and Sainath Agency and the bank kits (cheque books, debit cards, sim cards) have been given to other accused persons through co-accused Nisha Yadav. During the search of the applicant accused and his house the investigating agency seized and recovery one HP Laptop, Cash amount of Rs. 2,53,500/-, twenty debit Cards, cheque books and passbook. The applicant accused is involved in several other crimes. If he is released on bail he may cause disappearance evidence and influence the witnesses. Ultimately, the application is sought to be rejected.



4. Heard the ld. counsel Mr. Pimpale for the applicant and Mr. Solkar the ld. APP for the State they would make their submissions on the line of the contentions made in the bail application and the reply thereon respectively. In support of his contentions Mr. Pimpale would seek to rely upon an order dated 03.07.2024 passed by the Hon'ble

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Supreme Court of India in the case of **Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Ors. MANU/SC/0609/2024.**

5. From the perusal of the material on record it is seen that though the Id. Metropolitan Magistrate 12th Court, Bandra, Mumbai vide common order dated 06.05.2024 granted bail to the present applicant accused and co-accused Nisha Rambali Yadav in connection to Crime No. 138 of 2023 and 2 of 2024, rejected their bail applications in Crime No. 10 of 2024 (subject crime). It is also apparent that the investigation into the subject crime is culminated into filing of charge sheet against the present applicant and co-accused Ketab Ali and Nisha Yadav before the Jurisdictional Court. After considering the overall view of the matter and also the ratio emerging from the said decision of the Hon'ble Supreme Court in the case of **Javed Gulam Nabi Shaikh (Supra)**, I find that the discretion can be exercised in favour of the applicant accused to grant him bail subject to appropriate conditions. Hence I proceed to allow the application by following order -



O R D E R

1. The Bail Application No. 1682 of 2024 is allowed.
2. The Applicant Accused namely Roopesh Bhupendra Singh, aged about 34 years, resident of Room No. 203, Archit CHS, Dombivali East, Thane who is under detention in connection to Crime No. 10 of 2024 registered with the West Region Cyber Police Station, Bandra, Mumbai for the offences punishable u/s. 419, 420, 465, 467, 468, 471, 120 B of the Indian Penal Code and Section 66(C), 66(D) of the Information Technology Act is directed to be released on bail on his executing PR Bond in the sum of Rs. 25,000/- with one or more surety/ies in the like

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amount subject to following conditions -

- i) The applicant- accused shall not indulge in commission of similar crime.
- ii) He shall not directly or indirectly make any inducement, promise, 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 the police officer.
- iii) He shall regularly attend the proceeding bearing No. PW/1889/2024 before the Id. Trial Court, arisen out of the subject crime unless his personal appearance is dispensed with by the said Court.
- iv) He shall keep the investigating agency and the court updated of his contact details including the place of residence in case of any change therein within two weeks from the date of such change.
- v) He shall not leave India without the previous permission of the Id. Trial Court.

3. A provisional cash bail in lieu of surety is granted for a period of six weeks from the date of release of the applicant accused from the jail and on failure to furnish surety/sureties within the said period, the amount of cash bail shall stand forfeited.

4. The Bail Application No.1682 of 2024 stands disposed of accordingly.

Date : 30/07/2024



VIVEKANAND
MAHADEO
PATHADE

Digitally signed by
VIVEKANAND
MAHADEO
PATHADE
Date: 2024.08.02
12:00:35 +0530

(**V. M. Pathade**)
Additional Sessions Judge,
Gr. Mumbai.



Direct Dictated on : 30.07.2024
Signed by HHJ on : 31.07.2024

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER."		
02/08/2024	11.30 a.m.	J.S. Chavan
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
Name of the Judge (With Court Room No.)		H. H. Additional Sessions Judge Shri. M. Pathade, Court Room No. 30.
Date of Pronouncement of ORDER		30/07/2024
ORDER signed by P.O. on		31/07/2024
ORDER uploaded on		02/08/2024



V-5982
 Copy applied on : 2/08/24
 Granted on : 3/08/24
 Probable date :
 Copy Ready on / 5/08/24
 Despatch on : 6/08/24

Certified to be a True Copy
 Dated this ^{5th} day of AUG, 2024

[Signature]
 For Registrar
 City Sessions Court, Bombay

[Signature]

