

B. A. No.996 of 2025
CNR No.MHMM18-004349-2025
B. A. No.997 of 2025
CNR No.MHMM18-004348-2025
B. A. No.1007 of 2025
CNR No.MHMM18-004407-2025

COMMON ORDER BELOW BAIL APPLICATIONS

IN C. R. NO.1600/2024 (BANDRA P.S.)

1. These three bail applications filed by accused persons Mr. Abuzar Ibrahim Sonde, Mr. Dhanjibhai Bachubhai Raoriya and Mr. Ramkumar Ramprasad Dharmak, for bail, under Section 480 of Bharatiya Nagarik Suraksha Sanhita, for short B.N.S.S.

The applicant Mr. Abuzar, contended that he is permanent resident of Panvel and falsely implicated in the matter. No offence has been committed by him. No offence punishable under Section 406 and 420 r/w.34 of Indian Penal Code, made out. The possibility of tampering is almost nil. He is ready to remain abide by the conditions. From the record itself he can not be connected with the allegations.

The applicant Mr. Dhanjibhai, sought bail mainly on the ground that he is married, his son is working in ICICI Bank and having two daughters residing abroad. He is permanent resident of Mumbai. He also made complaint to Bandra Police Station, Mumbai, on 19.05.2022 and to ICICI Bank. After receiving notice on 04.03.2023 and 08.04.2023, he attended police station and cooperated with the investigation. He has nothing to do with the alleged offences. He is innocent and falsely implicated. The cheque issued by him was dishonored and notice was served on him and by using police machinery complainant wants to extort money.

The applicant Mr. Ramkumar Ramprasad Dharmak, sought bail mainly on the ground that he has nothing to deal with said crime and the transactions between accused persons Mr. Dhanjibhai Raoriya and Mr. Abuzar, in respect of **BIT COINS**. He is not any way connected with the disputed company

CRYPTAXS FINSOLE. The agreement was also executed between informant and other accused persons. He is willing and ready to co-operate with the investigation. The allegations against him are imaginary and exaggerated, etc.

2. Investigating Officer and Ld. A.P.P. objected to bail applications mainly on the grounds that amount involved is high. The active role of the accused persons transpired. The investigation is incomplete. There is possibility of tampering and absconding of accused. All the accused persons conspired and cheated the informant. Therefore, all the applications shall be rejected.

3. The submissions of both the parties are in tune with their respective contentions. There seems no need of it's repetition.

4. The summary of the allegations is that the informant Mr. Yogesh Prakash More, is dealing in share market and came in contact with one Mr. Prabhakar Mulmane, at Pune. Mr. Prabhakar, introduced informant to accused/applicant Mr. Abuzar Sonde, at Bandra, Mumbai and it is informed that said accused deals in Bit Coins (Crypto currency). The accused/applicant Mr. Abuzar, introduced another applicant/accused Mr. Dhanjibhai, saying that he is a big dealer in Crypto currency and whenever he is in need of it he will provide such currency after payment of certain amount. Both of them made certain representations and introduced informant with other persons doing same business.

During a period running between November 2021 to June 2022, informant transferred total amount of Rs.1.5 crores to both these accused persons/applicants. But they had not provided any Crypto currencies despite repeated demands. Rather accused persons/applicants, in the mean time, in the year 2022, agreements for repayment also executed, but were not honored. So also at the same time in the year 2022, all the accused/applicants given cheques to informant for repayment. However, all those cheques were also dishonored. Notices issued to accused persons for repayment, but neither

payments made nor informant initiated any action against the applicants/accused persons. Then informant approached Bandra Police Station, in the year 2024 and filed application. Then in the month of October 2024, offence was lodged against accused/applicants and other persons.

5. After going through the record of investigation it is noticed that the transactions are very old and the First Information Report, has been registered after substantial delay of about two years or more. In this backdrop if we considered the nature of allegations, the only allegations against accused/applicant Mr. Ramkumar Ramprasad Dharmak, is that an amount of Rs.35 lacs, has been transferred to his account. In the First Information Report, there found nothing from which any additional role can be attributed to him. Considering these facts revealed during investigation it can be said that there is substance in the grounds for bail pleaded in the application particularly about his innocence or actual involvement. So also he is ready to remain abide by the conditions, he is permanent resident of Kalyan, Dist. Thane and his possibility of tampering and absconding is almost nil. Therefore, bail can be granted to him.

6. About another application of Mr. Abuzar Ibrahim Sonde, in the somewhat same way allegations are limited to the extend that he introduced the informant with the another accused Mr. Dhanjibhai. In addition to meager amount of just Rs.5 lacs, has been transferred to his account. Investigation in that regard is also seems to be over. He is ready to remain abide by the conditions. Besides other grounds mentioned in the application, if these aspects considered it can be said that his bail prayer also needs to be allowed.

7. If we go through the First Information Report and record of investigation, in respect of the applicant Mr. Dhanjibhai Bachubhai Raoriya, it shows that the main allegations are against him. He is the person who introduced informant to the other absconding accused persons. Record also reflect that he has provided undertaking and furnished cheque for repayment

of the disputed amount, though later on applied to bank and lodged report with police, informing that the cheque has been misplaced. These aspects needs to be considered in the light of grounds pleaded in the application for bail filed by him.

8. If we go through his application it is pleaded that he is married, his son is working in ICICI Bank and having two daughters residing abroad. He is permanent resident of Mumbai. He also made complaint to Bandra Police Station, Mumbai, on 19.05.2022 and to ICICI Bank. After receiving notice on 04.03.2023 and 08.04.2023, he attended police station and cooperated with the investigation. It is also vaguely pleaded that he has nothing to do with the alleged offences and he is innocent and falsely implicated. The cheque issued by him was dishonored and notice was served on him and by using police machinery complainant wants to extort money.

9. If we compared the nature of allegations and material came on record, it can be said that none of the ground is enough to consider his bail prayer. The application is vaguely drafted. Though arguments made at length, it can not be said that any of the grounds pleaded is a ground to consider bail prayer of the said applicant.

10. There is delay in lodging of report, but i.e. not enough to grant bail for want of sufficient ground for bail to the present applicant. However, the role attributed to other accused persons is less serious and considering the delay in lodging of report and the reasons discussed above in respect of other two accused/applicants i.e. Mr. Abuzar Ibrahim Sonde and Mr. Ramkumar Ramprasad Dharmak, their bail prayer needs to be allowed.

11. Accordingly, following order -

ORDER

a. Bail Applications filed by Mr. Abuzar Ibrahim Sonde and Mr. Ramkumar Ramprasad Dharmak, bearing B.A. Nos.997 of 2025 and 1007 of 2025, respectively are allowed.

b. They are released on bail on their furnishing P.B. and S.B. of Rs.30,000/- each. One or two sureties for the said amount or cash security in substitution of the said bail amount is allowed.

c. Bail application filed by Mr. Dhanjibhai Bachubhai Raoriya, bearing B. A. No. 996 of 2025, is rejected.

MUMBAI

DATE – 07.04.2025

(KOMALSING RAJPUT)

J.M.F.C., 12TH COURT, BANDRA, MUMBAI