

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (BA) NO.1042 OF 2022**

Pragati w/o Nished Wasnik Vs. State of Maharashtra through PS, Yashodhara Nagar, Nagpur

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Shri D.V. Chauhan, Advocate for applicant  
Shri S.A. Ashirgade, APP for the State / Non-applicant

**CORAM : ANIL S. KILOR, J.**  
**DATED : 21<sup>st</sup> September, 2022.**

1. Heard.
2. The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.288 of 2022 dated : 17.04.2021, registered with Police Station : Yashodhara Nagar, District : Nagpur (City), for the offence punishable under Sections 420, 406, 409, 120B of the Indian Penal Code, Sections 3, 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act 1999 and Section 66d of the Information Technology Act, Sections 58B, 5a of the Reserve Bank of India Act, Sections 3, 25 of the Arms Act and Section 3(i) (ii), 3(2), 3(4)4 of the Maharashtra Control of Organized Crime Act.

3. It is the case of the prosecution that the prime accused Nished Wasnik created fake company and by way of website only “Ithar Trade Asia” promised general public at large about the projected return of double the amount of their investments within 100 days. The company has floated several schemes and allured the customers to invest in their company. The prime accused has taken several seminars in 5 Star Hotels and given information to the investors about various schemes of crypto currency called “Eathereum”. Despite making promises, the main accused could not return the amount in time and cheated the general public at large.

4. The learned counsel for the applicant submits that the applicant is the wife of the main accused and she is not involved in the offence as alleged by the prosecution. He submits that she was not present in any of the seminars or has not allured or influenced any of the investors and has not played any role in commission of any offence as mentioned in the FIR.

5. He further submits that after completion of the investigation, the charge sheet has been filed as such further custody of the applicant is not necessary.

6. It is further argued that the applicant is in jail from 19.02.2022 and as her custody is not required, she may be released on bail.

7. On the other hand, the learned APP argues that the applicant was arrested from Lonawala along with her husband and a firearm was recovered from them. He submits that sufficient material is there against the applicant, therefore, he prays for rejection of the present application.

8. I have perused the charge sheet and the application.

9. There is no material in the charge sheet to show that the applicant participated in any of the seminars or made any promise to the informant or other investors for handsome returns. Further it can be seen that property worth Rs.26 Lakhs owned by the applicant, has been attached.

10. The applicant is the wife of the accused Nished Mahadeo Wasnik against whom there is sufficient incriminating material, but there is no *prima facie* material found against the applicant to show her involvement in the alleged offence.

11. In the circumstances, I am of the opinion that considering the period of incarceration of the applicant couple with the fact that the investigation is completed and the charge sheet has been filed, I am of the view that further custody of the applicant is not necessary. Accordingly, I pass the following order:

i) The application is **allowed**.

ii) It is directed that the applicant shall be released on bail in Crime No.288 of 2022 dated : 17.04.2021, registered with Police Station : Yashodhara Nagar, District : Nagpur (City), for the offence punishable under Sections 420, 406, 409, 120B of the Indian Penal Code, Sections 3, 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act 1999 and Section 66d of the Information Technology Act, Sections 58B, 5a of the Reserve Bank of India Act, Sections 3, 25 of the Arms Act and Section 3(i) (ii), 3(2), 3(4)4 of the Maharashtra Control of Organized Crime Act, on her furnishing P.R. Bond of Rs.50,000/- with a solvent surety in the like amount.

iii) The applicant shall attend the concerned Police Station on 1<sup>st</sup> day of every month in between 9.00 a.m. to 10.00 a.m., till culmination of trial.

iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.

The application is accordingly **disposed of**.

**JUDGE**