

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6301 of 2023

Applicant :- Rohit Maurya

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Bal Ram Jakhar,D.P. Dutt Tiwari,Vineet Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri D.P. Dutt Tiwari, learned counsel for the applicant, Sri Anant Pratap Singh, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 007 of 2023, under Sections 379, 420, 411 I.P.C. and Section 66D Information Technology Act, registered at Police Station Ramjanam Bhumi, District Faizabad/Ayodhya.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 18.01.2023 alleging that earlier the applicant used to work in the informant's company- CMS Info System Ltd., which is engaged in the business of loading and unloading of cash in ATMs of various branches. Some cash was found less in ATM machine and on examination of CCTV footage, it was seen that the applicant had opened the ATM, took out the cash, kept the same in a bag and went away.

4. The police claimed to have arrested the applicant on the basis of information received from a mukhbir and it is alleged that Rs.14,20,000/- were recovered amongst some bushes in a jungle from his pointing out. Two keys used for opening the ATM machine, an ATM card and an identity card were also recovered from the applicant.

5. The State has filed a counter affidavit opposing the bail application wherein it has been stated that the applicant has been seen committing

the offence in the CCTV footage.

6. Learned counsel for the applicant has submitted that the deficiency in the cash was found out on 13.01.2023 whereas the FIR has been lodged on 18.01.2023. He has further submitted that the FIR alleges theft of 7,23,500/- only whereas the amount allegedly recovered from the pointing out of the applicant is Rs.14,20,000/- and further recovery has been from a open place.

7. Refuting the aforesaid submission, learned A.G.A. has submitted that it is evident from the narration made in the FIR that the CCTV footage was made available on 17.01.2023, and after watching the same the applicant was identified, and thereafter the FIR was lodged on 18.01.2023 and there is no unreasonable delay in lodging the FIR. He has further submitted that some excess amount having been recovered would not make prosecution story doubtful as it has been seen that the applicant has committed the offence and it does not necessarily follow that he has not committed any other offence.

8. Without making any observation, which may affect the outcome of the trial, this Court is of the view that as the incident of theft has been seen in the CCTV footage, and the applicant earlier used to work in the company for loading and unloading cash from the ATM, keeping in view the nature of allegation, and the material recorded against the applicant, I am of the view that the aforesaid facts do not warrant discretion of this Court granting bail to the applicant.

9. Accordingly, this bail application stands **rejected**.

(Subhash Vidyarthi, J.)

Order Date :- 1.12.2023
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