

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.867 OF 2015

Roshan Ara Khan ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Niranjan Mundargi, for the Applicant.
Mr. Arfan Sait, APP for Respondent – State.
IO. Mr. S.G. Bhalerao (API), EOW, Sangli present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 28, 2015**

P.C.:

. The application is moved for bail as the applicant/accused is facing charges for the offences punishable under Sections 420, 465, 467, 468 and 471 read with 34 of the Indian Penal Code and Section 66(C) and 66(D) of Information Technology Act, 2000 in C.R. No. 184 of 2014 registered with Vishrambag police station, Sangli.

2. One Susmita Phatak gave information to police that amount of Rs. 11,15,000/- was transferred without her knowledge in

the night on 12th September, 2014 by RTGS in three separate transactions. The amount of Rs. 3 lacs has been transferred to the account of co-accused Ramnarayan. The amount of Rs. 5,50,000/- has been transferred to the account of present applicant/accused Roshan and Rs. 2,65,000/- has been transferred to the account of one Pratan Daad by RTGS. Thus, one after other transactions, in all Rs. 11,15,000/- were withdrawn from her account by RTGS. Therefore, the complainant gave information on 14th September, 2014. Pursuant to which the offence was registered. However, the applicant/accused was arrested in October, 2014. Hence, this bail application.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is a woman and having three years old daughter. The amount of Rs. 4,41,000/- is already recovered by police from her account. He further submitted the applicant/accused was arrested in a similar offence by Gujrat police and she has been granted bail by the learned Sessions Judge, Ahamadabad.

4. The learned prosecutor opposed the application. He submitted that other two co-accused are absconding. The

applicant/accused was already arrested in one similar case in Gujrat. There can be other cases also. The applicant is from West Bengal and she is likely to jump bail if she released on bail. She does not have permanent residence of stay and the address which is given by her on verification found that she is not staying on that address.

5. Perused the first information report and the papers produced by both the parties. *Prima facie* it appears that the offence is committed. There are transactions of transfer of amounts by RTGS. However, out of Rs. 5,50,000/-, the amount of Rs. 4,41,000/- is recovered from the applicant/accused. The applicant/accused is a lady having three years old child. The applicant is inside since October, 2014. Hence, considering the charges levelled against her, I am inclined to grant bail.

6. Hence, I grant bail as under:

- a) The applicant be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 50,000/- with two solvent sureties in the like amount out of which one surety shall be from Maharashtra and one surety shall be her relative.

- b) She shall furnish her correct address and also the addresses of the sureties and after verification of the same and found it true, she be released on bail.
 - c) She shall not indulge in any other criminal activity or pressurize the complainant.
 - d) She shall attend all the Court dates regularly.
7. Bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)