

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2218 OF 2015

Mohammed Nasir Hussain Keshwani @

Razza Mohammed

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. P.R. Moses, for Applicant.

Ms. R.A. Ambekar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 10th December 2015.

P.C.

1 The applicant is seeking bail in CR No.201 of 2015 dated 17.6.2015 registered with Bhoiwada Police Station, Mumbai under Sections 379, 419, 420, 120-B, 511 read with Section 34 of the Indian Penal Code and Sections 43A, 66, 66K/C and 72 of the Information Technology Act, 2000.

2 The case of the prosecution in nutshell is that, the email of the complainant was hacked by the accused persons and an amount of Rs.5,95,000/- was transferred from the account of the complainant to the account which was opened in the name of co-accused Chirag Bogra. When

the co-accused went to ICICI Bank for withdrawal of the amount of Rs.3 lacs, the police apprehended accused no.1-Chirag Bogra. The investigation pertaining to the present crime is completed.

3 The learned Counsel for the applicant submitted that in the entire chargesheet except C.D.R. record pertaining to phone calls given by the accused persons interse, there is no other evidence on record. He contended that the name of the applicant is reflected only is in the statement of the co-accused and the same is not admissible in the evidence. He submitted that as there is no sufficient legal evidence against the applicant, the applicant deserves to be released on bail.

The learned APP has filed detailed affidavit of the Investigating Officer. In the said affidavit also the facts pertaining to the C.D.R. record and the facts which were revealed during the course of investigation have been narrated.

4 After taking into consideration the entire material available on record, it appears to me that except CDR record of the applicant along with other accused persons, prima facie there is no other legal evidence available with the prosecution. Therefore, the applicant is entitled to be released on bail.

5 Hence, the following order:

- (i) The applicant shall be released on bail in CR No.201 of 2015 registered with Bhoiwada Police Station on his furnishing PR Bond of Rs.50,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from jail, the applicant shall report to the Bhoiwada Police Station on every first Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of the trial.
- (iii) The applicant shall submit the documents pertaining to his residential proof with the Investigating Officer and the Trial Court.
- (iv) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.
- (v) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)