Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 501 OF 2017

Kirti Manish Sharma ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. S.V. Kotwal i/b. Mr. Kamlesh Y. Mali, Advocate for the applicant.
Mr. Deepak Thakery, APP for the State.
Mr. J.A. Pale, A.P.I., EOW, Nashik Road present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **9th March, 2017.**

P.C.:

This Application is moved by the applicant/accused for bail, as she is facing prosecution for the offences punishable under sections 406,408, 409, 420, 465, 467, 468, 470, 471, 472, 477A, 201 of the Indian Penal Code and under section 66A of the Information Technology Act in C.R. No. 140 of 2016 registered with Manmad Police Station, Nashik. The offence is registered at the instance of Vinit Ramchandra Kapoor, Branch Manager, Dena Bank, Manmad Branch.

2. It is the case of the prosecution that the applicant/accused and co-accused are employees of Dena Bank and they were provided a personal user I.D. Number and secret password for the purpose of

the bank work. During June 2015 to February 2016 all these persons jointly operated 15 accounts of pensioners who were dead. They all prepared bogus documents, bogus withdrawal slip and by making the fake entries in the bank register by issuing bogus ATM cards, amount of Rs.61,53,980/- was misappropriated and withdrawn. The complainant gave list of 15 account holders and all of them were pensioners and dead prior to June, 2015. At that time, the applicant/accused Kirti Manish Sharma was working as single window operator in the bank and her user I.D.number and secret password was used for the purpose of withdrawal of the amount. This fraud was surfaced approximately in July and August 2016 and erstwhile Branch manager approached the police on 12th August, 2016, pursuant to which, the police carried out investigation and they arrested applicant/accused on 15th November, 2016 and since then she is in prison. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent and she has not committed any offence. The applicant/accused has not received any amount. There is no recovery of any amount from her personal account. She was falsely implicated in this case only because of co-accused

Harshal Chapke, who was also working as single window operator and he knew her password and user I.D. Number and he has misused the said password and user I.D. for this fraud. Therefore, the applicant/accused be given bail.

4. Learned APP opposed the Bail Application and submitted that it is a bank fraud whereby the bank was cheated for an amount of Rs.61,53,980/-.

5. Perused the FIR and the documents placed before this Court. There is a fraud of an amount of Rs.61,53,980/- in the bank by using using the password and user I.D. number. The charge sheet is filed and it appears from the record *prima facie* that neither investigating agency could not recover any amount from her account nor there is any evidence to show that she was beneficiary of this fraud. On enquiry, it is found that applicant/accused is 28 years old lady having 3½ years child. Considering this evidence and circumstances of the case, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

O R D E R

(i) Application is allowed.

(ii) The applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.20,000/- with one or two sureties in the like amount;

(iii) The applicant shall not tamper the evidence;

(iv) The applicant shall not jump the bail;

(v) The applicant shall attend all the court dates;

(vi) The applicant shall not abscond or leave India without prior permission of the Court and furnish her permanent address to the Investigating Officer alongwith documentary proof of her address;

(vii) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

7. The Application for bail stands disposed of on above terms.

8. Parties to act upon the authenticated copy of this order.

(MRIDULA BHATKAR, J.)