IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2185 OF 2017

Mr. Gulzar Ahmed Afsar Ahmed Shaikh … **Applicant**

V/s.

The State of Maharashtra … **Respondent**

Mr. S.V. Kshirsagar, a/w. Sajeed Kureshi, a/w. Mateen Shaikh for the Applicant.
Ms. P.N. Deshmukh, APP for Respondent – State.

CORAM : A.S.GADKARI, J.
DATE : 18th DECEMBER 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No.11 of 2017 dated 28.03.2017 registered with Cyber Crime Police Station, Mumbai for the offences punishable under Sections 419, 420 r/w 34 of Indian Penal Code and Section 66(D) of Information and Technology Act.

2. Heard the learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.

3. It is the case of prosecution that, one person by name Mr. Patrik Lang

established acquaintance with the first informant Smt. Kunda Sharma. That, he subsequently informed the first informant that he will be visiting India to meet her grand-daughters. That, on 21.03.2017 the first informant received a call from a lady informing her name as Ms Kaargil Pandit from Customs Office, New Delhi and told the first informant that, a person by name Mr. Patrik Lang has arrived at Delhi Airport and while checking out, the Government Authorities have found Two Lakh Pound in cash i.e. more than Rs.Two Crore in Indian currency in his possession and therefore consequently he will have to pay fine and he has given the name of first informant as the only person he knows in India. The first informant was, therefore, induced to deposit about Rs.41,94,000/- in the accounts of three persons, namely, Mr. Alok Shama, Mr. Vikas Kumar and Mr. Kamaal Hasan. As the said Patrik Lang did not meet the first informant, the first informant realized that she has been cheated for the said amount of Rs.41,94,000/- by the accused person and lodged the present crime.

During the course of investigation, the Applicant came to be arrested on 09.04.2017 and after completion of investigation, police have submitted charge-sheet.

4. The record indicates that, as far as the present Applicant is concerned,

the role attributed to him is that, on the instructions of Shahabuddin (co-accused), the Applicant had been to State Bank of India, New Delhi for making an enquiry whether the server of the said bank is working or not, so as to enable the said Shahabuddin to use ATM Card of a particular account. On enquiry by the Applicant, the employees of State Bank of India noticed that the account about which the Applicant is making enquiry is a bogus account and detained him in the Bank. Apart from the said fact, *prima facie* it appears that, there is no other material available on record against the Applicant.

5. In view of the above, the Applicant can be released on bail.

Hence, the following Order:

(i) The Applicant be released on bail in C.R.No.11 of 2017 registered with Cyber Crime Police Station, Mumbai on his furnishing PR Bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the Applicant shall attend the Cyber Crime Police Station, Bandra-Kurla Complex, Bandra (E), Mumbai on every 1st Monday of the month between 11.00 a.m. to 1.00 p.m. till conclusion of trial.

(iii) Applicant shall also attend all dates before the trial Court till conclusion of trial.

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

7. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)