

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION*

CRI. BAIL APPLICATION NO.3028 OF 2017

Mr. Raj Jaswant Damania

..Applicant

Vs

State of Maharashtra & Anr.

.. Respondents

...

Mr. Sujay N. Kantawala a/w Aditya Pratap a/w Kartik Uiq for the Applicant.

Smt. J. S. Lohokare, APP for the State.

Mr. D. S. Pawar (PSI) E.O.W. Thane (Rural) present.

CORAM : A. S. GADKARI, J.

DATE : 23 FEBRUARY 2018.

P.C. :

1. This is an Application under Section 439 of the Cr. P. C. for bail in CR. No. I-129/2017 registered with Economic Crime Wing, Crime Branch, Thane (Rural), for the offences punishable u/s. 420, 465, 467, 468, 471 & 120 (B) of the Indian Penal Code and under Section 66 (C) of Information Technology Act, 2000.

2. The Applicant is accused No.14 in the aforesaid crime. It is the prosecution case that the Applicant alongwith other accused persons hacked the computer system of Bank of Maharashtra and transferred its money by using a specific computer application into various accounts (18 accounts) and committed misappropriation of amount to the tune of Rs.1,34,90,000/-. It is the further prosecution case that the Applicant is having knowledge of computer and with the help of other accused persons, he has committed the present offence. That the Applicant by

using an application by name “UPI App” has committed the said offence of misappropriation and defalcation of the amount of the Bank of Maharashtra. That the Applicant is beneficiary to the tune of Rs.4,00,000/- from the proceeds of the said crime. During the course of investigation the Applicant came to be arrested on 9th June 2017 and after completion of investigation, police have submitted charge-sheet.

3. Perused the charge-sheet and record annexed to the Application.

The record indicates that co-accused by name Jugal Rajendra Shah who has been alleged to have defalcated and beneficiary of Rs.2,00,000/-, has been released on bail on the condition that he shall deposit the said amount in the concerned Court. Prima facie, it appears that the said accused Jugal R. Shah has been attributed with same and/or similar role as has been attributed to the applicant. During the course of arguments the learned counsel appearing for the Applicant submitted that the Applicant is ready and willing to deposit the said sum of Rs.4,00,000/- in the registry of the concerned Metropolitan Magistrate, Mumbai before his release from jail. The said statement is accepted.

4. In view of the above, and without going into the merits of the matter and in view of the statement made by the learned counsel for

the Applicant, the Applicant can be released on bail.

5. Hence, the following order.

- i) The Applicant be released on bail in CR. No. I-129/2017 registered by Economic Crime Wing, Crime Branch, Thane (Rural), on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- ii) Before his release from jail, the Applicant shall deposit a sum of Rs.4,00,000/- in the registry of the concern Metropolitan Magistrate, Mumbai. Deposit of the said sum of Rs.4,00,000/- is the condition precedent for the actual release of the Applicant from jail.
- iii) After his release from jail, the Applicant shall attend the concerned Police Station on first monday of the month between 11.00 a.m. to 1.00 p.m.
- iv) The Applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.
- v) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

6. Application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)