

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 78 OF 2019

Jitendra Shyamlal Soni	...	Applicant
V/s.		
The State of Maharashtra & Anr.	...	Respondents

Mr.Prashant Aher i/b. Mr.Jahangir Iqbal for Applicant.
Mr.S.S.Hulke, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 3rd May 2019.

P.C. :

1] This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in connection with C.R. No. I-364 of 2018 registered with Dindoshi Police Station, Mumbai, for the offence punishable under Section 419 and 420 of the Indian Penal Code and Section 66(c) and (d) of the Information Technology Act.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] The prosecution case in nutshell is that, by adopting modern technology and by sneaking in to the electronic account of the informant a sum of Rs.50,000/- was withdrawn by some unknown persons from an ATM Machine of Axis Bank.

4] During the course of investigation of the present crime, co-accused namely Sagar Mishra has been arrested by the police and the role of the applicant has emerged on record, as the person who provided the skimming machine to co-accused Sagar. It is also revealed that, certain amounts which were credited in the account of Sagar being property involved in the present crime have been further transferred in the account of the applicant.

5] The investigation of the present crime is at initial stage. The record of the investigation indicates that, the applicant and other co-accused persons by using modern technology have defalcated the amount of various account holders from various banks.

6] The learned APP has produced a report dated 3rd May 2019 signed by the Senior Inspector of Police, Dindoshi Police Station, Mumbai, stating that, the applicant is also involved in four other crimes of similar nature in the State of Rajasthan. The said crimes are; (i)

C.R.No. 90/2017 registered with Industrial Area P.S., Pali, Rajasthan for the offence punishable under Section 420, 467, 468, 471, 454, 457, 380 & 120(B), (ii) C.R.No. 48/2017 registered with Sadar Bazar P.S., Jodhpur City, Rajasthan, (iii) C.R.No. 115/2017 registered with Bilada P.S., Jodhpur Rural, Rajasthan and (iv) C.R.No. 137/2017 registered with Mahamandir P.S., Jodhpur City, Rajasthan.

It thus appears that the applicant is a habitual offender and is indulging in similar type of offence by use of similar modus-operandi.

7] In view of the above and after taking into consideration the gravity of the offence and serious allegations against the applicant, this Court is of the opinion that, the applicant does not deserve to be protected by pre-arrest bail.

8] Application is, accordingly, rejected.

[A.S. GADKARI, J.]