

Anand

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

BAIL APPLICATION NO. 1848 OF 2019

Rajkumar Jaynarayan Mandal .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Vinod Kashid, Advocate, for the Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

Mr. K. N. Shirsath, PSI, Sion Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 19.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 385 of 2018 registered with the Sion Police Station, Mumbai, for the alleged offences punishable under Section 420 of the Indian Penal Code and under Sections 66(C) & 66(D) of the Information Technology Act.

3. Perused the papers. According to the Complainant – Ms Avanti Patel, she received a call on 31.12.2018 from a mobile; that

the said person disclosed his name as Pankaj Sharma and asked her whether she had received her new Debit Card; that when she replied that she had received her new Debit Card, the said person told her that the verification of the said card has not been done, as the said Card was not used; that when she asked the process of verification, the said person asked her for her mobile number and also asked her the expiry of her old Debit Card; that after she informed him the expiry date of the old Debit Card, the said person informed her the balance amount in her account with the Bank of Baroda; and that she will receive one sms and asked her to forward the said message on one mobile number. The Complainant has stated that she received a message, containing OTP on her mobile, which she forwarded on the mobile number given by the said person, pursuant to which, she received three messages that an amount of Rs. 20,000/-, Rs. 20,000/- and Rs. 10,000/- were withdrawn from her account. When the Complainant received the said message, she asked the said person why the said amounts were withdrawn, to which the person disclosed that it was a verification process and that the said amounts would be re-deposited in her Bank account. The said person also asked whether the Complainant had any relative and asked her to give the details of the Bank account of the said relative pursuant to which, the Complainant gave her sister's mobile number and OTP

number and similarly, another Rs. 50,000/- was withdrawn from the Complainant's sister's account.

4. Learned counsel for the Applicant submitted that an amount of Rs. 49,500/- is deposited by the Applicant in the trial Court and that the Applicant without prejudice to his rights and contentions is ready to deposit an additional amount of Rs. 50,500/- in this Court. Learned counsel for the Applicant has brought a Demand Draft for the said amount of Rs. 50,500/- drawn in the name of Registrar, High Court, Bombay. Learned counsel has also tendered an Affidavit of the Applicant setting out the same. The said Affidavit is taken on record. The Applicant is in custody since 14.03.2019. Investigation is complete and charge-sheet is filed. The Applicant has no antecedents.

5. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 20,000/-** with one or two local sureties in the like amount;

- (ii) The Applicant shall report to the investigating officer of the concerned police station on the first Saturday of every month between 10.00 a. m. and 11.00 a. m. till the conclusion of the trial;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The Applicant shall deposit a Demand Draft / Pay Order of Rs. 50,500/- in the Registry of this Court within one week from today;
- (vi) The Applicant shall not commit a similar offence;
- (vii) The Applicant shall cooperate in the conduct of the trial;
- (viii) The Applicant to file an undertaking with regard to clauses (ii) to (vii), in the trial Court, within two weeks of his release;
- (ix) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. The matter to be listed on **26.07.2019** for recording compliance of the deposit of the D. D.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)