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

CRIMINAL BAIL APPLICATION NO.1996 OF 2019

Sadik Khalid Hussain Sayyad

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.N.D.Deboo, i/b Mr.A.B.Bhoir, for the Applicant.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

PI – D.M.Thopate, Malad Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th SEPTEMBER, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.75 of 2019 registered with the Malad Police Station, Mumbai, for the alleged offences punishable under Sections 419, 420, 465, 467, 468, 471, 120B of the Indian Penal Code and under Section 66 (c) (d) of the Information Technology Act.
3. Perused the papers. According to the complainant –

Subirkumar Parui, a Senior Accountant at Ator Health Care Private Limited, the said company's account was hacked and an amount of Rs.49,40,000/- was transferred from the company's account to the account of three persons i.e. Sanjay, Darshana and Anilkumar. The said account of the company was a Cash Credit account with the Indusind Bank. As the company's director – Prashant Shah son's mobile number was registered with the said bank, SMSs of the said transfers were received by him. The said amounts were transferred by R.T.G.S. and I.M.P.S. on 30th January, 2019 and 31st January, 2019. Pursuant thereto, the complainant lodged an FIR as against unknown persons for hacking of the company's account. During the course of investigation, the applicant was arrested. As far as the amount of Rs.49,40,000/-, which was transferred from the company's account is concerned, the applicant is not the direct beneficiary. It appears that co-accused – Sanjay had received Rs.17 lakhs odd i.e. the amount transferred from the company and that the said co-accused – Sanjay had withdrawn Rs.17 lakhs from his account and handed over a sum of Rs.12,67,000/- to the Applicant.

4. Learned Counsel for the applicant submits that the applicant is not alleged to have received the amount directly from the company's account. He submits that the applicant had no reason to believe that the said

amount received by him was by dubious means.

5. Whether or not the applicant was aware or not of the aforesaid fact, is a matter which will be decided by the trial Court. The applicant is in custody since February, 2019. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) 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 trial Court as well as to the concerned Police Station, in writing;

- iv) The Applicant shall not commit similar offence;
- v) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;
- vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;
- viii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.

8. 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.

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

REVATI MOHITE DERE, J.