

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

BAIL APPLICATION NO. 536 OF 2020

Shabana Rubab Khan

...Applicant

Vs.

The State of Maharashtra and Ors. ...Respondents

Mr. Prakash V. Vare i/b. Prachita P. Vare for Applicant

Mr. S.R. Agarkar, APP for State/ Respondent

CORAM : PRAKASH D. NAIK, J.

DATE : 09th MARCH, 2020

PC:-

1. The Applicant is arrested on 28th November, 2019 in connection with C.R. No. 948/2019 registered with Bandra Police Station under Sections 408 r/w. 34 of Indian Penal Code.
2. The prosecution case is that the complainant is working as a Security Manager at Logicash Solution Pvt. Ltd. The nature of work of the company of the informant is to deposit the cash in the ATMs as per requirement of the bank. In discharge of the function of the company, amount is handed over to a person viz. Pradnesh Kule for depositing the said amount. On 25th November, 2019, the informant received phone from the company auditor that the ATM machine of

the Bank of India contains deficit amount of Rs. 90,000/- and the other machine is also having deficit amount of Rs. 6,07,500/-. The informant reached the spot along with machine used for counting currency notes. It was transpired that total amount of Rs. 1,61,68,500/- was deficit in the ATM Machine. Inquiry was conducted. It was revealed that Pradnesh Kule is involved in removing the cash amount. He was the employee of the complainant's company. Hence Section 408 was applied. During the course of investigation, it was revealed that the amount withdrawn by co-accused was handed over to the applicant and the other co-accused. All the accused were arrested. On completion of the investigation, charge-sheet is filed. The role attributed to the applicant is that the amount misappropriated by the employee of the complainant's company was handed over to the Applicant. Section 408 of IPC was mainly applied against the co-accused, who was employee of the complainant's company. The applicant is allegedly receiver of the stolen property. During the course of investigation, cash of Rs.74 lacs was recovered at the instance of the Applicant and currency of Rs.2,00,000/- was recovered from the co-accused.

3. The co-accused Arshad Mohd. Siddique Khan has been granted bail. The main accused Pradnesh Kule is still in custody.

4. Learned APP submitted that the amount was given to the Applicant by the co-accused after he had removed the same from the ATM Centre.

5. The role of the Applicant is the receiver of the stolen property. Substantial amount has been recovered. There are no criminal antecedents against the applicant. Considering the fact that the investigation is complete and police have filed charge-sheet, further custody of the applicant is not necessary. In these circumstances, bail can be granted to the Applicant on certain terms and conditions. Hence, following order:

ORDER

- (i) Bail Application No. 536 of 2020 is allowed.
- (ii) The Applicant be released on bail on furnishing P.R. Bond in a sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall attend the concerned police station once in a month on First Saturday between 11.00 a.m. to 1.00 p.m.
- (iv) Bail Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)