

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

CRIMINAL BAIL APPLICATION NO. 2710 OF 2019

Kirtilala Devnath Thakur	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Abhay Bhoir, Advocate for the Applicant.
Mr. S. R. Agarkar, APP for the Respondent – State.
Mr. D. M. Thopate, P. I., Malad Police Station.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th MARCH, 2020

PC :

1. The applicant is seeking bail in connection with C.R. No. 75 of 2019 registered with Malad Police Station, Mumbai, for the alleged offences punishable under Sections 419, 420, 465, 467, 468, 471, 120(B) of the Indian Penal Code and under Section 66 (C), (D) of Information Technology Act.
2. The prosecution case is that the complainant – Subirkumar Parui, a Senior Accountant at Ator Health Care Private Limited. The 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 against unknown persons for hacking company's account. During the course of investigation, the applicant was arrested. As far as the amount of Rs.49,40,000/-, 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– Sanjay had received Rs.17 lakhs, i.e. amount transferred from the company and that the said co-accused – Sanjay had withdrawn Rs.17 lakhs from his account and handed over a sum of Rs.12,67,000/- to the Applicant.

3. Learned Counsel for the applicant submits that the applicant has not received the amount directly from the company's account. He submits that the applicant had no reason to believe that the amount received by him was obtained by dubious means.

4. The co-accused Sadik has been granted bail by this Court vide order dated 17th September, 2019 passed in Criminal Bail Application No. 1996 of 2019. Considering the factual matrix of this case bail can be granted to the applicant.

5. Hence, I pass the following order :

ORDER

- i) Bail Application No. 2710 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 75 of 2019 registered with Malad Police Station, Mumbai on furnishing P.R. bond in the sum of Rs. 50,000/- with one or more local sureties in the like amount;
- iii) 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;
- 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) 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.

(PRAKASH D. NAIK, J.)