

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3075 OF 2019

Sarojkumar Mahendra SinghApplicant

V/s.

The State of MaharashtraRespondent

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Mr. Ajit Ram Pitale, Advocate for the applicant.

Mr. Ajay Patil, APP for State.

CORAM : SANDEEP K. SHINDE, J.**Tuesday, 7th January, 2020.****P.C. :**

1. Heard.

2. The applicant is seeking his enlargement on bail in Crime No. 724 of 2019 dated 1st July, 2019 with Waliv Police Station, Taluka-Vasai, District-Palghar for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code and Sections 65-C and 66-D of the Information Technology Act, 2000.

3. The applicant is in custody since 6th August, 2019. The investigation in the subject crime is over and the chargesheet has been filed. The offences punishable under Sections 66-C and 66-D are prescribed with imprisonment for a term which may extend to three years and under Section 420 of the Indian Penal Code, the prescribed punishment is imprisonment, which may extend to seven years.

3. The complainant-respondent is a Distributor of Pranav Online Solutions Private Limited and the said Company had given him portal account number. The complainant had 78 retailers and through his portal, he used to transfer money to those retailers as per their requirements. Complainant was therefore engaged in the business of 'money transfer'.

4. On 26th June, 2018 at 18.00 hrs he had transferred a sum of Rs.26,000/- to the retailers account and thereafter at 18.35 hrs, Rs.60,000/- to another retailers account. Soon after, he

noticed that, the portal was showing balance of Rs.500/- only which had him realise that someone had hacked into his portal account and had siphoned off Rs.8,37,998/-. He subsequently reported the said incident to the police whereupon the subject crime came to be registered on 1st July, 2018.

5. In the course of the investigation, police traced the trail of siphoned amount wherein it was revealed that the siphoned amount had been transferred to the accounts of eight persons. A sum of Rs.5,85,998/- out of the total siphoned amount was recovered from the account of various persons where the siphoned amount was allegedly transferred. These accounts are reportedly freezed by the prosecution. Additionally, evidence shows that, the mobile handset of the applicant with multiple simcards were seized. However, prosecution could not point the complicity of the applicant in the alleged crime. The chargesheet on record, *prima-facie*, does not suggest the complicity of the applicant in the

subject crime. The learned APP on instructions, submits that, there are no criminal antecedents against the applicant. Even otherwise, the investigation in the case is over. The custodial interrogation is therefore not required. Considering that the offences are punishable for imprisonment of not more than seven years, and that the applicant's presence for trial can be secured by imposing conditions, the Bail Application is allowed and hence the following order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant is directed to be released on bail in Crime No. 724 of 2019 registered with Waliv Police Station, Taluka -Vasai, District -Palghar on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty five Thousand only) with one local surety in the like amount since the applicant is not an ordinary resident of State of Maharashtra.

(iii) The applicant shall attend the concerned Police Station on fifteenth day of each month between 12 to 1 p.m. commencing from January, 2020 till the charge is framed.

(iv) The applicant shall furnish the particulars of his latest place residence in Maharashtra and of his native place and mobile number and/or change of residence or contact details, if any, to the Investigating Officer of the Police Station concerned within seven days from his release on bail.

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. It is made clear that the observations made herein are *prima-facie* in nature and the

trial Court shall decide the case on its own merits in accordance with law uninfluenced by the observations made in this order.

7. The Bail Application is allowed and disposed off.

(SANDEEP K. SHINDE, J.)