

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 643 2021

Saranya Chinnusamy d/o Chinnusamy ... **Applicant**
Age 30 years, Occu: Private Service,
R/o 4/59A, Samathuva Puram, Paruttipalli,
Namakkal, Tamil Nadu 637 503

VERSUS

1. The State of Maharashtra, ... **Respondent**
 Through the Officer Incharge,
 Cyber Police Station, Jalgaon,
 District Jalgaon
2. The Superintendent of Police, Jalgaon.

Mr. Indraneel S. Godsay, Advocate for the applicant,
Mrs Vaishali S. Chaudhari, A.P.P. for the State.

CORAM : V. G. BISHT, J.
RESERVED ON : 28th August, 2021.
PRONOUNCED ON : 2nd September, 2021

ORDER:

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.03/2020 registered with Cyber Police Station, Jalgaon, District Jalgaon for the offence punishable under Sections 420, 34 of the Indian Penal Code, 1860 and Section 66(C) and 66(D) of the Information Technology Act, 2021.

2. It is the case of prosecution that informant's father is pensioner. Some unknown persons, on various days and by using different mobile Nos., details of which are given in the first informant

report, won the confidence of the informant's father and apprised that the Government of India is going to re-start insurance policy by establishing a separate Cell and that he (informant's father) would be required to pay certain amount, however, the amount so paid would be refunded alongwith the amount of insurance policy. The said unknown person also asked him to deposit the amount in different Banks online in different names and also by way of cash and thus in all the informant's father has deposited Rs.6,99,498/-. However, neither the said amount was refunded nor the policy amount. Accordingly the first information report came to be lodged.

3. Mr. Indraneel S. Godsay, learned counsel for the applicant, submits that the applicant never established any form of communication with the informant's father nor in any way induced him to deposit any amount in any Bank. According to the learned counsel, the applicant was under impression that amount INR 20000/- has been credited in her account on account of her dues from her previous employer and accordingly she withdrew the said amount and used it for her mother's treatment. Prima facie, there is no evidence of involvement of the present applicant.

4. The learned counsel, during the course of argument, further submitted that the applicant who is resident of Tamilnadu and being a woman, is a sole bread earner of the family. She is ready to cooperate the investigating officer and would not flee from justice.

5. Mrs. Vaishali S. Chaudhari, learned A.P.P., on the other hand, submitted that on 23.07.2019, an amount of Rs.20,000/- came to be deposited in the Bank account of the applicant which was later on withdrawn by her. According to learned A.P.P., investigation is going on and in such circumstance, there being no merit in the application, the same is liable to be rejected.

6. On going through the first information report, it is seen that said unknown person had contacted the informant's father by using different mobile Nos. So far there is no material on record to say that any of those mobile Nos. belongs to the applicant. Only evidence at present is of depositing Rs.20,000/- in the account of the applicant for which the applicant has given clarification that since those amounts were due from her earlier employer and believing that the amount of Rs.20,000/- has been deposited by the said employer, she withdrew the amount. Except that, nothing is forthcoming.

7. Having regard to the facts and circumstance of the case and the fact that the applicant is resident of Tamilnadu, her application deserves consideration with certain conditions.

8. In view of above, I am inclined to allow the application. Hence, following order:

ORDER

- i. In the event of arrest of the applicant in connection with Crime No.03/2020 registered with Cyber Police Station,

Jalgaon, District Jalgaon for the offences punishable under Sections 420, 34 of the Indian Penal Code, 1860 and Section 66(C) and 66(D) of the Information Technology Act, 2021, the applicant is directed to be enlarged on bail on her furnishing P.R. Bond of Rs25,000/- [Rs. Twenty five thousand only], with one or two solvent sureties in the like amount.

- ii. The applicant shall attend Cyber Police Station, Jalgaon, District Jalgaon on date 30th of every month between 12.00 noon to 5.00 p.m. commencing from September, 2021 until further orders and shall cooperate in the investigation.
- iii. The applicant shall not tamper with prosecution evidence in any manner.
- iv. Learned counsel is directed to furnish Mobile No. of the applicant to the Investigating Officer so that the Investigating Officer may inform her about his availability or otherwise.

9. Application stands disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC