

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

BAIL APPLICATION NO. 354 OF 2021

Pradnesh Pradip Kulye	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Arjun Rajput i/b. Mr. Sobodh Pathak, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 5th MAY, 2021

PER COURT:

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 company of the informant collects cash from banks and deposit the cash in the ATMs as per requirement of the bank. 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. The custodian Pradnyesh Kulye (applicant), Rohit Bane, Auditor Amir Shaikh and

Satish Patil were present. They counted cash from the ATM machines situate on the said route. Audit was conduct. It was transpired that total amount of Rs.1,61,68,500/- was deficit in the ATM machine. Inquiry was conducted. Applicant admitted that he misused the OTP password and withdrawn. During the course of investigation, it was revealed that the amount withdrawn was handed over to co-accused. All the accused were arrested. On completion of the investigation, charge-sheet is filed.

3. During the course of investigation, cash of Rs. 74 lacs were recovered at the instance of the co-accused Shabana Khan Rs.2,00,000/- were recovered from another accused. Amount of Rs.8,00,000/- has been recovered from the applicant. The co-accused Shabana Khan has been granted bail by this Court vide Order dated 9th March, 2020. Rs.74 Lacs were recovered from her. Other accused Mohd. Arshad Khan and Aziz Sayyed has been granted bail by Sessions Court.

4. It is submitted that the applicant is in custody from 27th November, 2019. No other offence is registered against the applicant. Except recovery there is no other evidence against the applicant. Other accused are granted bail. The applicant is not the only person working with complainant. There is no evidence to prove that

applicant has withdrawn amount. Learned APP submitted that applicant is the main accused. He has withdrawn amount. Some of the amount was handed over to co-accused.

5. The applicant is in custody for substantial period. Other accused are granted bail. FIR does not mention that cash amount for depositing in ATM. There is no clear investigation regarding password allegedly used by applicant for withdrawal of amount. No eye witness or CCTV footage to support prosecution case. Hence, Bail can be granted.

ORDER

- (i) Criminal Bail Application No. 354 of 2021, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 948/2019 registered with Bandra Police Station on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- (v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)