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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 382 OF 2021

VIVIAN D'SOUZA

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Ms. Sunita S. Banis advocate for the Applicant

Mrs. Rutuja Ambekar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: 8th OCTOBER, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 25/2020 registered with Bangur Nagar Police Station for offence punishable under Sections 379, 381, 408, 409, 420 of the Indian Penal Code and under Sections 66, 66(B), 66(C), 66(D) and 66(E) of the Information Technology Act.

2] Applicant while working as an employee of Tech Mahindra Company misused personal banking details viz. credit card, CVV No.

etc and used the same for carrying out purchase online of the account of such customers without their permission. As such, offence in question.

3] Entire material used in the commission of crime viz. phone of the applicant, material purchased, e-mail, account details are already seized from the applicant. No criminal antecedents are reported against the applicant.

4] In the aforesaid backdrop, in my opinion, considering the nature of investigation carried out till date, custodial interrogation of the applicant is not warranted or justified. Hence, application is allowed on following terms:

(i) In the event of arrest of the applicant in C.R. No. 25/2020 registered with Bangur Nagar Police Station for offence punishable under Sections 379, 381, 408, 409, 420 of the Indian Penal Code and under Sections 66, 66(B), 66(C), 66(D) and 66(E) of the Information Technology Act, he be released on bail on

furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(ii) Applicant shall neither influence prosecution witnesses in any manner nor tamper with evidence.

(iii) Applicant to attend Investigating Officer on 12/10/2021, 14/10/2021 and 18/10/2021 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

5] Application stands disposed of.

[NITIN W. SAMBRE, J.]