

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

CRIMINAL BAIL APPLICATION NO.1579 OF 2020

Jaydip Kantilal Pawar .. Applicant

Vs.

The State Of Maharashtra .. Respondent

WITH

**CRIMINAL BAIL APPLICATION NO.1759 OF 2020
(NOT ON BOARD)**

Karan Jagannath Pandit .. Applicant

Vs.

The State Of Maharashtra .. Respondent

Mr.K.S. Labana, Advocate for Applicant in BA/1579/2020.

Mr. Karan Singh Rajput, Advocate for the Applicant in
BA/1759/2020.

Mr. Y.M. Nakhwa, A.P.P. for the State-Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd MARCH, 2021

PC.

1. The Applicants in both these applications were arrested in C.R. No.I-249 of 2020 registered with Mahatma Phule Chowk Police Station, Kalyan for the offence punishable under Sections 380, 120-(B) read with 34 of the Indian Penal Code (for short "IPC").

2. The prosecution case is that the complainant is working as Branch Head with Writer Safeguard Private Company Ltd.

The company has a cash management office at Dombivli. Sandip Gulab Misar was Assistant Manager of the company. The company undertakes the job of loading the cash in ATM machine and conducting repair of ATM machines for loading the amount in ATM machines. The respective banks would hand over the cash to the company. Thereafter, the amount was loaded in ATM machine. Every ATM center has different ID Number. The ID number of ATM machine situated near Kalyan Railway Station was IDB No.45612. On 05.06.2020, the first informant received a call from the Manager Sandeep Misar informing that there was theft at ATM center of IDBI Bank situated at Kalyan Railway Police Station. The complainant visited ATM center. The door of the ATM machine was open. Kiran Pandit and Pranav More were having password of the machine. They gave the password to Chetan Hiralkar and Amar Mari. Cash amount of Rs.49,02,500/- was missing from the ATM machine. FIR was registered. Investigation proceeded. Both the applicants were arrested on 07.06.2020. On completing investigation, charge-sheet is filed.

3. Learned Advocate for the applicant Jaydip Kantilal Pawar submitted that the applicant has been falsely implicated in this case. He is in custody from the date of arrest. Investigation is completed and charge-sheet is filed. The offences are not punishable for more than seven years. The recovery is effected at the instance of the co-accused. The trial may not commence immediately.

4. Learned Advocate for the applicant Kiran Pandit submitted that the applicant is in custody from 07.06.2020. Amount of Rs.29,00,000/- was recovered from the applicant. The amount of Rs. 7,50,000/- was also recovered from him. Rs.2,50,000/- was recovered from accused No.3. Total amount of Rs.39,85,000/- is recovered from all the accused. Further detention of the applicant is not necessary. There are no past criminal antecedents against the applicant.

5. Learned APP submitted that the applicants are involved in theft of Rs.49,02,500/-. Both the applicants are involved in the offence. The applicant Kiran Pandit was ATM Operator. He

provided ATM machine password to applicant Jaydip Pawar and accused Jugal Kishor. The amount was stolen by using password. The amount of Rs.49,02,500/- was removed from the ATM machine. CCTV footage and the other evidence establish the involvement of the applicants.

6. The prosecution case is that the accused had committed theft of cash of Rs.49,02,500/- from the ATM machine situated at Kalyan Railway Station. The amount of Rs.42,79,000/- is already recovered. The applicants are in custody from the date of arrest. Investigation is completed and the charge-sheet is filed. The offences are triable by the Court of Magistrate. Further detention of the applicants is not necessary. Hence bail can be granted to the applicants.

ORDER

- (i) Bail Application No.1579 of 2020 and Bail Application No. 1759 of 2020, are allowed;
- (ii) The applicants are directed to be released on bail in connection with C.R. No.I-249 of 2020, registered with Mahatma Phule Police Station, Kalyan on executing P.R. bond in the sum of Rs.25,000/-(Rupees Twenty Five Thousand Only), each, with one or more sureties

in the like amount;

- (iii) The applicants shall report concerned police station once in a month on first Saturday between 11.00 a.m. to 1.00 p.m. for a period of six months, and, thereafter, once in three months on first Saturday of the months between 11.00 a.m. to 1.00 p.m. till conclusion of trial;
- (iv) The applicants shall not tamper with the evidence;
- (v) The applicants shall attend Trial Court regularly on the dates of hearing of the case unless exempted by the Court;
- (vi) The applicants are permitted to furnish provisional Cash Bail Security in the sum of Rs.25,000/-, for a period of eight weeks in lieu of surety;
- (vii) Bail Application Nos. 1579 of 2020 and 1759 of 2020, stand disposed of accordingly.
- (viii) The parties to act on authenticated copy of this order.

(PRAKASH D. NAIK, J.)