

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1518 OF 2019

Vijaykumar Pathak

... Applicant

Versus

The State of Maharashtra & Anr.

... Respondents

.....

Mr. Shweta A. Singh, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 20th JANUARY, 2021.

PER COURT:

1. This is an application for anticipatory bail in C.R. No. II-13 of 2018 registered with Khadakpada Police Station, Thane City for offence under Section 66-D of Information Technology Act, 2000 and Section 471 of Indian Penal Code.

2. The case of the prosecution is that the informant is the husband of accused No.1-Anubhuti Nitesh Shukla. Informant's wife Anubhuti is residing at her parental home from 3rd May, 2016. There is dispute between both. In the family Court at Agara, divorce proceeding is going on between informant and accused No.1. Informant lodged report to the police that during the period from 10.16 p.m. of 21st March, 2018 till 9.49 p.m. of 22nd March, 2018 his wife who is presently residing with her parents at Agra Camp with

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the help of someone dishonestly and without the consent of the informant by making the forged signature changed the password of his I.T. return and hacked the said income tax return of the informant. On the report of informant aforesaid crime is registered.

3. Learned advocate for the applicant submitted that for changing the password prescribed procedure is there and unless that procedure is followed password can not be changed as the OTP (i.e. one time Password) of the informant remains with the informant. It is further argued that actually applicant/accused No.1 the wife of the informant made application for maintenance in the Family Court at Agara by stating that informant's monthly salary is rupees sixty thousand but informant denied the same. Income tax returns of the informant were produced and because of that informant got annoyed. It is further argued that just to harass both the accused, false complaint is filed by the informant. The applicant is senior citizen. He has retired from Railway. The applicant is father in law of complainant. The first informant and his family caused torture to applicants daughter. To pressurize his daughter to withdraw the proceedings, FIR has been registered. There are no criminal antecedents against applicant.

4. The applicant had preferred application for anticipatory

bail before the Sessions Court which was rejected by order dated 14th June, 2019. However, the application of the other accused was allowed. Interim protection granted to the applicant by the Sessions Court was extended by this Court vide order dated 12th July, 2019.

5. The complainant has filed written arguments opposing application. It is contended that applicant is mastermind in crime. It is submitted by the advocate for the applicant that the applicant had appeared before the Investigating Officer and cooperated with the investigation. Considering the factual aspects of this matter, custodial interrogating of applicant is not required. Case for grant of anticipatory bail is made out.

ORDER

(i) Anticipatory Bail Application No.1518 of 2019 is allowed;

(ii) In the event of arrest of the applicant in connection with in C.R. No. II-13 of 2018 registered with Khadakpada Police Station, Thane City the applicant 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;

(iii) Anticipatory Bail Application stands disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)