

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

ANTICIPATORY BAIL APPLICATION NO.1877 OF 2019

Nikhil Mukund Kanekar Applicant
Versus
The State of Maharashtra Respondent

Mr. Ashok M. Saraogi, Advocate i/b. Prajot H. Jaggi, for the Applicant.

Mr. Ameet A. Palkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th AUGUST, 2021

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.261/2019 registered at Bangur Nagar Police Station, Mumbai under Sections 408, 420, 463, 465 read with 34 of the Indian Penal Code and under Section 43A, 66C, 66D of Information Technology Act, 2000.

2. Heard Shri Ashok Saraogi, learned counsel for the applicant and Shri Ameet Palkar, learned APP for the State.

3. The FIR is lodged by one Jason Francis on behalf of his company. The informant was working as a Team Manager in Intelnet Global Service (Tele Performance), Malad (West), Mumbai. The applicant was also working with the same company. That company is in the business of providing services to another company by name Easyjet. It is the case of the prosecution that the applicant was working on the post of Team Leader. During the usual course of his duties, the applicant was allowed to have access to information of travellers who had booked tickets through that company. According to the prosecution case, the applicant had stolen some information regarding details of the passengers from the website of Easyjet company and passed on this information to the company's ex-employee Amit Samanta, who in turn filled forms for refund of tickets which were cancelled. The refund which was given by Easyjet company was deposited in the fraudulent accounts of the persons who were not actually the passengers of that Air Company. That amount was to the tune of Rs.31,58,628/-. It was siphoned off and misappropriated.

Apart from the allegations that the applicant had stolen this information and had supplied it to the main accused, there are allegations that the applicant had received Rs.2,63,000/- in his bank account from aforementioned Amit Samanta.

4. By the previous order dated 1.10.2019 passed by this Court (Coram: Revati Mohite Dere, J.), a statement made by learned counsel for the applicant was recorded that without prejudice to his rights and contentions, the applicant was willing to deposit said amount of Rs.2,63,000/- in the registry of this Court on or before 15.10.2019. The applicant was already protected by interim order dated 6.9.2019. That interim protection is continued till today.

5. In the meantime, vide order dated 17.12.2019 passed by this Court (Coram: Sandeep K. Shinde, J.), the applicant was directed to implead the complainant as party respondent No.2.

6. Today learned counsel for the applicant made two important statements. First, he states that the amount of

Rs.2,63,000/- is deposited by the applicant in the registry of this Court. Second, the applicant has made the complainant as a party respondent and he had served him privately. He has undertaken to file affidavit of service to that effect in the court today.

7. Shri Saraogi, learned counsel for the applicant further made a categorical statement that the applicant does not have any objection if the amount that is deposited by him in this Court is withdrawn by the complainant, but, subject to the rights and contentions of the parties.

8. Learned APP confirms that the applicant has attended the police station as directed and has cooperated with the investigation.

9. Considering this background and also taking into account the fact that the applicant is on interim protection since September, 2019 and that he has cooperated with the investigation, a final order in this application protecting the applicant by way of anticipatory bail order, can be passed.

Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.261/2019 registered with Bangur Nagar Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Respondent No.2 is permitted to withdraw the amount deposited by the applicant in this Court, on executing requisite bond.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2021.08.07
17:31:26 +0530

Deshmane (PS)

(SARANG V. KOTWAL, J.)