IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 295 OF 2022

Ramankumar Darshankumar Applicant

Versus

The State of Maharashtra Respondent

Mr. N. L. Chaudhari, Advocate for the applicant.
Mr. S. B. Narwade, APP for respondent/State.

CORAM : M.G. Sewlikar, J.

DATE : 1st APRIL, 2022.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No. 0111/2020 registered with Dhule City Police Station, District Dhule, for the offences punishable under Sections 419, 420, 465, 466, 467, 468 read with Section 34 of the Indian Penal Code and under Sections 43, 66, 66(C), 66(D) of the Information Technology Act.

2. Informant is the Branch Manager in Axis Bank, Dhule Branch. Axis Bank, Branch at Dhule, provided 'PAYPRO' facility to

Dhule Viaks Sahakari Bank through online portal for RTGS and NEFT transaction on Current Account bearing No. 914020008206406 maintained with Axis Bank, Dhule Branch. This facility has been in operation since 1st August, 2019.

3. It is alleged in the First Information Report that an amount of Rs. 2,06,50,165/- was debited through the account of Dhule Vikas Sahakari Bank despite not entering into any transaction. Upon receipt of this message, the informant conducted internal enquiry and found that on 8th June, 2020, between 7.00 am and 10.15 am, one NEFT transaction and twenty six RTGS transactions were conducted from the said bank account transferring amount to the tune of Rs. 2,06,50,165/- to various bank accounts. This information was immediately forwarded to the RTGS Hub of Central Control Unit of Axis Bank to freeze the account. It is the prosecution case that, in the enquiry, it was also revealed that some unknown persons had hacked the system of Axis Bank and committed theft of data, owing to which, amount from the said bank account was transferred. On these allegations, First Information Report came to be lodged with Dhule City Police Station on the basis of which, Crime No. 111/2020 came to be registered for the offences

punishable under Sections 420, 419, 465, 466, 467 of the Indian Penal Code and under Sections 43, 66, 66(C), 66(D) of Information Technology Act.

4. Applicant came to be arrested on 25th October, 2020.

5. Heard Shri Choudhari, learned counsel for the applicant and Shri Narwade, leanred APP for the State.

6. Learned counsel Shri Chudhari submits that applicant is not the beneficiary of the amount allegedly transferred from the account of Axis Bank. He submits that the recovery which is effected from the applicant i.e. laptop, mobile phones, Aadhar Cards, and other articles do not indicate that they were used in the commission of this offence. Simply on the basis of this recovery, the applicant cannot be connected with the offence.

7. Learned APP Shri Narwade submits that the applicant has adopted similar *modus operandi* while committing offence in other states also. He submits that similar *modus operandi* has been followed by the applicant in the offences committed in Punjab,

Hariyana and Delhi. He further submits that deposit receipt of one of the beneficiaries is found in the mobile handset of the applicant. He submits that all these circumstances indicate that the applicant will commit similar offence again if released on bail.

8. Aadhar Cards, laptops, copies of PAN Cards, SIM Cards in the name of various persons have been recovered from the applicant. Unless it is shown that these Aadhar Cards and SIM Cards were used for hacking bank account or for transferring the amount, it cannot be said that the applicant was involved in the commission of the alleged fraud. Even if it is accepted for the sake of argument that the applicant was in touch with the accused persons, it cannot be said that he is involved in the commission of offence. There has to be some corroborative evidence indicating that the applicant is involved in hacking of bank account or the seized mobile phones were used for transferring the amount. It is true that this crime involves huge amount of Rs. 2,06,50,165/-. However, simply because the amount is huge, applicant cannot be detained behind the bars for an indefinite period without there being any substantial evidence connecting him with the offence. Applicant is behind the bars for more than 1 ½ years. Trial is not likely to commence in the

near future. In view of this, I am inclined to release the applicant on bail. Hence the following order:-

ORDER

i) Application is allowed.

ii) Applicant be released on PR Bond of Rs. 1,00,000/- (Rs. One Lac) with one solvent surety in the like amount in connection with Crime No. 0111/2020 registered with Dhule City Police Station, District Dhule, for the offences punishable under Sections 419, 420, 465, 466, 467, 468 read with Section 34 of the Indian Penal Code and under Sections 43, 66, 66(C), 66(D) of the Information Technology Act.

iii) Applicant shall not make any attempt to influence the prosecution witnesses in any manner.

iv) Applicant shall not put any obstacle in the trial and remain present on the dates fixed by the Trial Court and co-operate the Trial Court.

v) Applicant shall deposit his passport, if any, with the Judicial Magistrate First Class, Dhule.

vi) Applicant shall not travel abroad without prior permission of the Judicial Magistrate First Class, Dhule.

vii) Applicant shall furnish his address in detail and mobile phone number with the Judicial Magistrate First Class, Dhule, and City Police Station, Dhule, and Police Inspector, Dhule City Police Station to verify the same.

viii) Bail before the Judicial Magistrate First Class, Dhule, Dist. Dhule.

ix) Applicant shall attend the concerned police station twice in a week i.e. on every Wednesday and Sunday between 10.00 am and 4.00 pm, till the conclusion of the trial.

x) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M. G. SEWLIKAR)
Judge

dyb