



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 BAIL APPLICATION NO. 2195 OF 2023

SHIVPUJAN KUMAR NANKU
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Surse Sunil B.
APP for Respondent-State : Mr. Sandesh V. Hange.
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CORAM : S. G. MEHARE, J.
DATE : 20.12.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.109 of 2023, registered with Vedantnagar Police Station, District Aurangabad, for the offences punishable under Sections 380 and 420 read with Section 34 of the IPC.
3. In brief it has been alleged against the accused that he steals the ATM data, misuse it, prepare the ATM card and withdraw money from ATMs. He also damage the ATM machines, due to which Bank does not receive the information about the person who withdrew the money. He has been arrested on 08.06.2023. The investigation has been

completed. He seeks bail as nothing is to be recovered from him.

4. Learned APP opposed the application on the ground that the applicant is not resident of the State of Maharashtra. He may abscond. He also states that there were the many similar offences and fraud happened with the various banks. The similar modus operandi was adopted for withdrawal of money from ATM of different banks. There were various e-mails in the name of the accused. The offence is serious. Hence, bail may not be granted.

5. The law is well settled that barely the accused is not resident of a particular State is no ground to refuse the bail. The allegations, gravity and seriousness of the offence are the primary considerations for bail. Perusal of the charge sheet reveals that the investigation has been completed. Nothing is to be recovered and discovered from him. There were no antecedents to his discredit at least at this juncture. Considering the nature of offence and age of the applicant, the Court is of the view that his further detention would serve no purpose. However, to guard the apprehension of the prosecution, certain conditions may be imposed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SHIVPUJAN KUMAR NANKU** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one **local solvent surety** of like amount, in Crime No.109 of 2023, registered with Vedantnagar Police Station, District Aurangabad, for the offences punishable under Sections 380 and 420 read with Section 34 of the IPC, on the following conditions :
 - (a) The applicant shall not leave Aurangabad town without permission of the concerned Police Station Officer till conclusion of the trial.
 - (b) He shall attend the Police Station as and when the police called him and on the last day of each month, between 5.00 p.m. to 7.00 p.m. till the conclusion of the trial.
 - (c) He shall attend the trial on each effective date.
 - (d) He shall furnish his and his parents Aadhar Cards before releasing on bail.
 - (e) He shall furnish his mobile phone number to the police with an undertaking that he

would not change it till conclusion of the trial.

(S. G. MEHARE, J.)

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vmk/-