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

BAIL APPLICATION NO. 426 OF 2023

Mr. Mohammed Tohid Mohammed Azim Shaikh ..Applicant
VS.
State of Maharashtra ..Respondent

Ms. Sandhya A. Mailagir h/f Mr. Anil D. Joshi, for the Applicant.
Mr. S. H. Yadav, APP for the State.
Mr. Rohidas Ravte, PC, Unit No. 5, Wagle Estate present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 27, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for bail in respect of C.R.No. I-65 of 2022 dated 15/03/2022 registered with Shreenagar Police Station for the offence punishable under sections 420, 369 of the Indian Penal Code, 1860 and under section 66D of the Information Technology Act, 2000.
- 3.** Briefly stated, the complainant who is the Manager of the Axis Bank alleged that the ATM cards were stolen and

amounts were withdrawn making use of the said ATM cards. The applicant was working with Thane Post Office. The company manufacturing ATM cards would send the ATM cards to the customers upon order being placed by the bank through post. The applicant at the relevant time was not working with the Post Office. It is alleged that the amounts have been withdrawn using the ATM cards even before they could reach the customers. The investigation reveals that several cards were stolen. 12 cards were recovered from the applicant. It is the case of the investigation agency that more than 100 cards were recovered from the various places including the car alleged to be of the ownership of the applicant. Learned APP submitted that the applicant is the beneficiary to the tune of Rs.5 lakhs. Learned counsel for the applicant submits on instructions that without prejudice to the rights and contentions, in view of the allegation that the applicant had withdrawn total amount of Rs.2,81,100/- to show his bonafides, the applicant is even willing to deposit sum of Rs.2,81,100/- with the trial Court within a period of 2 weeks from today. Statement is

accepted as an undertaking to this Court. Present proceedings are not in the nature of recovery proceedings. Statement is made voluntarily and the same is accepted.

4. The applicant is arrested on 15/03/2022. He is in custody for more than 11 months. There are no criminal antecedents reported against the applicant. The ATM cards have been recovered. The applicant is 22 years of age. There is nothing on record to indicate that he is likely to abscond or evade facing the trial. The investigation is complete and the charge-sheet has been filed. The applicant can be released on bail. Hence, the following order.

ORDER

(a) The application is allowed.

(b) The applicant – Mr. Mohammed Tohid Mohammed Azim Shaikh in connection with C.R. No. I-65 of 2022 dated 15/03/2022 registered with Shreenagar Police Station shall be released on bail on furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer of the concerned Police Station and shall keep him updated, if there is any change.

(f) The applicant shall report to the investigating officer once in a month i.e. on first Monday of every month between 11.00 a.m. and 1.00 p.m.

(g) Statement made by the applicant to be abided by.

5. The application is disposed of.

(M. S. KARNIK, J.)