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

BAIL APPLICATION NO.705 OF 2023

VIJAY ABASO JAMADAR ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Ankit Takle a/w Adv. Nidhi Narwekar for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 30, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 408, 465, 467, 471 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.74 of 2022 with Kalamboli Police Station, Panvel.
- 3.** The FIR was registered on 10.03.2022. The applicant was arrested on 10.08.2022. There are in all two accused. The applicant is the accused No.1. The applicant was the custodian of the ATM machine in which the cash is to be

deposited. In respect of the accused No.2, this Court by an order dated 28.08.2023 enlarged the accused No.2 on bail.

The relevant portion of the order reads thus :-

"2.This is an application for bail in respect of the offence punishable under Sections 408, 465, 467, 471 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.74 of 2022 with Kalamboli Police Station, Panvel.

3. The FIR was registered on 10.03.2022. The applicant was arrested on 10.08.2022. There are in all two accused. The applicant is the accused no.2. The applicant was working as the first custodian of an agency which was handling the ATM machine for deposit of cash. In the presence of the second custodian the applicant has to generate slip to know about the actual balance amount lying the ATM machines. On the basis of the OTP sent to the first custodian and second custodian the ATM machines were to be operated for refill of cash. It is alleged that there was a short deposit of Rs.66,86,700/- in the ATM machines for which the applicant and co-accused are held responsible. It is alleged that an amount of Rs.23,34,500/- has come to the share of the applicant. It is the contention of learned counsel for the applicant that the entire amount for which the loss alleged by the bank was made good by the agency where the applicant was working.

4. Be that as it may, the investigation is complete and the charge-sheet has been filed. The applicant is in custody for more than a year with no possibility of the trial concluding any time soon."

4. The accusations as regards the applicant is at par with accused No.2 who is enlarged on bail. Learned counsel for

the applicant submitted that the applicant has deposited a sum of Rs.8,00,000/- with the company. Learned counsel for the applicant submitted that the applicant has lost his job. The applicant does not appear to be a flight risk. There are no criminal antecedents reported against the applicant. The applicant will face the consequences of the trial. The investigation is complete and the charge-sheet has been filed. In the facts and circumstances of the present case, the applicant can be enlarged on bail though learned APP vehemently opposed the application.

5. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Vijay Abaso Jamadar in connection with C.R. No.74 of 2022 registered with Kalamboli Police Station, Panvel shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Kalamboli Police Station, Panvel once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

- (d) The applicant shall attend the trial regularly.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)