



PMB

33.ba.1614-23..doc

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1614 OF 2023**

TARANUM WASEEM SAYYED ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Dilip Bodake for the applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 1, 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 420, 384, 385, 506, 34 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 66(c) and 66(d) of Information and Technology Act, 2000 registered on 07.10.2021 vide C.R. No.40 of 2021 with Cyber Crime Police Station, West Region, Mumbai.
- 3.** The applicant is a woman who was arrested on 27.10.2021 and is now in custody for more than two years. The prosecution case as spelt out from the version of the informant in the FIR is that the informant received a call

from the applicant in the year 2018 to persuade him to invest money in the share market. For the period from 15.12.2018 until 15.01.2020 the first informant transferred an amount of Rs.17,45,000/- in the account of the applicant. The applicant never shared any information as regards the shares or as to what is happening to the investments made. It is then alleged that further sum of Rs.13,70,000/- was transferred by the informant between 03.08.2020 until 28.11.2020. It is alleged that from the informant, the applicant and the absconding accused – Waseem received a total amount of Rs.67,17,000/- from time to time.

4. Apart from merits, learned counsel for the applicant submitted that the applicant is having four years old child who is staying with his maternal grandmother.

5. Learned APP vehemently opposed the application for bail. Apart from the other materials on record my attention is invited by learned APP to the order passed by the trial Court rejecting the application for bail. It is pointed out that the informant had appeared before the trial Court and

opposed the application for bail. Learned APP insisted that the informant be heard. It is further pointed out that adequate security be obtained from the applicant in case this Court is inclined to enlarge the applicant on bail.

6. The informant has not filed any intervention application in this application. The maximum punishment under Section 420 of the IPC is a term which may extend to seven years of rigorous imprisonment. The applicant is in custody for more than two years. The investigation is complete and the charge-sheet has been filed. Any further custody will be by way of a pre-trial punishment. These proceedings cannot be converted into a recovery proceeding.

7. Learned APP submitted that the trial has commenced. It is the submission of learned counsel for the applicant that only the informant has been examined on 28.02.2023 and since then there has been no further progress. In such circumstances the trial is not likely to conclude any time soon in the near future. The applicant will face the consequences of the trial if found guilty. The applicant does

not appear to be a flight risk. No criminal antecedents are reported. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Taranum Waseem Sayyed in connection with C.R. No.40 of 2021 registered with Cyber Crime Police Station, West Region, Mumbai shall be released on bail on her furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Cyber Crime Police Station, West Region, Mumbai as and when called.
- (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 her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments. The applicant shall co-operate with the trial Court in the expeditious disposal of the trial.

(h) The applicant shall surrender her passport, if any, to the investigating officer.

8. The application is disposed of.

(M. S. KARNIK, J.)