

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1179 OF 2022**

Sandeep S.K. ... Applicant

Versus

State of Maharashtra and another ... Respondents

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Mr. Zaid Qureshi for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

Mr. Mahesh Malwatkar for the Respondent No.2.

HC P.D. Tapure, Bharati Vidyapeeth Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 13 JANUARY 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 831 of 2021 registered at Bharti Vidyapeeth Police Station, Pune for the offences punishable under Sections 419, 420 r/w. 34 of Indian Penal Code and Sections 66(c) and 66(d) of the Information Technology Act.

3. I have heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for respondent No.2.

4. On 4 May 2022, this Court passed the following order :

“ The learned APP seeks time as Investigating Officer is not present.

2. It is alleged that certain amount has been deposited in the applicant’s account which was later on turned to be duped. The applicant’s learned Counsel, upon instructions showed willingness to deposit amount of Rs.2,75,000/- in this Court to show his bonafide. In view of that, the following order:

ORDER

i) In the event of arrest the Applicant Sandeep S. K. in Crime No. 831 of 2021, registered with Bharati Vidyapeeth Police Station, District Pune, for the offence punishable under Sections 419, 420 r/w 34 of the Indian Penal Code and Sections 66(c) and 66(d) of Information Technology Act, he be released on bail on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

ii) The Applicant shall deposit amount of Rs.2,75,000/- within two weeks from today.

iii) The Applicant shall attend concerned Police Station on every Sunday between 10:00 a.m. to 12:00 noon till further order.

iv) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

v) Interim protection shall remain in force till next date.

vii) Stand over to 14th June, 2022.”

5. According to the prosecution, the total duped amount is Rs.5,90,000/-.

6. The learned Counsel for the applicant submits that pursuant to the order dated 4 May 2022 passed by this Court, the applicant has deposited Rs.2,75,000/-. The learned Counsel for the applicant on instructions

submits that the applicant has no objection if the said amount is withdrawn by the complainant. Considering the facts and circumstances of the case, I am inclined to allow the present application. In the result, the following order is passed :

- (i) The interim order dated 4 May 2022 passed by this Court is hereby confirmed.
- (ii) The respondent-complainant is permitted to withdraw the amount of Rs.2,75,000/- deposited by the applicant.
- (iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
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2023.03.02
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