

Digitally
signed by
DIKSHA
DINESH
RANE
Date:
2023.01.06
19:07:43
+0530

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

BAIL APPLICATION NO.3095/2022

RITIK RAJENDRA YADAV ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. S. M. Kamble i/b. Mr. M. J. Chetiwal for the applicant.
Ms. P. N. Dabholkar, APP for State.
PSI Tanaji Patil, Vanrai Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 6, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail by the applicant in connection with First Information Report (FIR) No.170/2022 registered on February 10, 2022 with Vanrai Police Station, for the offence punishable under Sections 408, 436, 120-B, 201 read with 34 of the Indian Penal Code, 1860 (hereafter 'IPC' for short).
- 3.** The applicant is said to be the main accused. The applicant was working in 'Rytor Safeguard Company' which

had responsibility of handling the ATM machines on behalf of the State Bank of India. There were two agencies involved i.e. 'Rytor Safeguard Company' and 'Hitachi Company' which were handling the ATM operations of the State Bank of India. It is the allegation that the applicant misappropriated certain sums of money. To cover up the said misappropriation, the applicant actively associated himself with the other co-accused thereby setting fire to the ATM machine causing loss to the State Bank of India to the tune of Rs.77,18,800/-. 'Hitachi Company' has covered the loss of Rs.77,18,800/- suffered by the State Bank of India. The recovery of Rs.5,30,000/- was made from other accused. There is no recovery from the applicant. There are no criminal antecedents reported against the applicant.

4. The charge-sheet has been filed and the investigation is complete. The applicant is a student of F.Y.B.Sc. (IT) and is 19 years of age. The applicant is in custody for more than 11 months. The offence under Section 436 of the IPC is punishable with an imprisonment which may extend to 10 years but not with life or death.

5. Considering the age of the applicant and the fact that he is in custody for more than 11 months, now that the charge-sheet has been filed and the investigation is complete, the applicant can be released on bail. The allegations against the applicant are no doubt serious but the trial is likely take a long time. It would be unjust to prolong the custody of the applicant by way of a punishment. Hence the following order.

ORDER

- (a) Application is allowed.
- (b) Applicant-Ritik Rajendra Yadav shall be released on bail in connection with FIR No.170/2022 registered with Vanrai Police Station, on his furnishing P.R. Bond of Rs.25,000/- 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 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.
- (d) The applicant shall report to the Investigating Officer on the first and third Monday of every month, between 11.00 a.m. and 1.00 p.m.

(e) 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.)