



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

BAIL APPLICATION NO. 3675 OF 2023

BHUSHAN BHAGCHANDRA SHELKE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Dr. Uday Warunjikar a/w Adv. Viral Rathod a/w Adv. Kailash Pathak i/b Adv. Santosh Pathak for the Applicant.

API Sanjay Pawar, North Region Cyber Police Station, Mumbai.

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

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 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 120-B, 419, 420, 465, 467, 468, 471 of the Indian Penal Code read with Sections 43-A, 43-B, 43-J, 66-C and 66-D of the Information Technology Act registered on 14/03/2023 vide C.R. No.16 of 2023 with Cyber Police Station, North Division, Mumbai.

3. The applicant was working as an employee of the complainant-company. It is the accusation that about 132 claims were settled and the complainant company has been cheated to the tune of Rs.61,23,002/-. The applicant is a beneficiary to the extent of Rs.18,25,000/-. It is the contention of the learned counsel for the applicant that the applicant has resigned from the company. The applicant was not named in the FIR. The applicant is 26 years of age. Learned counsel for the applicant submitted that without prejudice to the rights and contentions, the applicant is willing to deposit the amount of Rs.18,25,000/- by demand draft in this Court. The statement is accepted.

4. Learned APP opposed the application.

5. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail though the charge-sheet is yet to be filed. In my opinion, further custody of the applicant is not necessary. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Bhushan Bhagchandra Shelke in connection with C.R. No.16 of 2023 registered with Cyber Police Station (North Division) 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 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 Police Station (North Division) as and when called till filing of the charge-sheet and thereafter, once in three months, every first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m., commencing January, 2024.

(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.

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

(h) The demand draft of Rs.18,25,000/- shall be deposited to the Registry of this Court within a period of one week from today as per the statement made and the amount shall be invested with the nationalised bank. The amount be transferred to the trial Court after filing of the charge-sheet.

(i) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)