

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

BAIL APPLICATION NO.256 OF 2024

Ankit Kumar Ashok Pandey .Applicant

Versus

The State of Maharashtra .Respondent

Mr. Kuldeep Nikam, Advocate, for the Applicant.
Ms. Veera Shinde, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 01.04.2024

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1. Heard Mr. Nikam, learned Counsel for the Applicant and Ms. Shinde, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	20 of 2023
2.	Date of registration of F.I.R.	31.03.2023
3.	Name of Police Station	Cyber City, Pune
4.	Sections invoked	419, 420 r/w. 34 of the I.P.C., 1860; 43, 66, and 66(D) of the I.T. Act, 2000
5.	Date of incident	11.08.2022 to 30.03.2023
6.	Date of arrest	12.07.2023
7.	Date of filing of Charge-sheet	08.09.2023

3. As per the prosecution case, all the Accused persons are agents of 'Easy Pay Private Limited' ("said company") and that the present

Applicant alongwith other Accused frequently used their official agent credentials and transferred an agreegate amount of Rs.3,52,70,210/- to various Bank accounts.

4. Mr. Nikam, learned Counsel for the Applicant submitted that there are in all 65 Accused i.e. Agents of the said Company. Only four Accused have been arrested and two Accused have been granted bail. He submitted that even assuming the entire case of the prosecution to be true, the allegations of cheating made against the present Applicant in the Charge-sheet is limited to an amount Rs.1,98,000/-. He submitted that there is an inordinate delay in lodging of the F.I.R.. He submitted that Accused No.2 has been released on bail by the learned Sessions Court by Order dated 23.01.2024 and another co-Accused has been granted bail by the learned Judicial Magistrate First Class, Pune by Order dated 31.01.2024 passed below Exh.41 in R.C.C. No.3370 of 2023. He submitted that the Applicant is ready and willing to immediately repay the said amount of Rs.1,98,000/- to the said Company. He further submitted that the offence in question is punishable with a maximum of seven years of imprisonment. The Applicant is incarcerated since 12.07.2023. The other two co-Accused have been enlarged on bail. Therefore, he prayed that the Applicant be released on bail.

5. Ms. Shinde, learned APP for the Respondent-State vehemently opposed the Bail Application. She submitted that the Applicant is involved in the offence in question and that his liability is to pay an

amount of Rs.1,98,000/- to the said Company. She, therefore, prayed that the Bail Application may be rejected.

6. A perusal of the record shows that investigation is complete and Charge-sheet has been filed on 08.09.2023. The Applicant is incarcerated since eight months.

7. Mr. Nikam, learned Counsel for the Applicant after taking instructions submitted that the aforesaid amount of Rs.1,98,000/- will be repaid to the said Company within a period of 24 hours. There are no antecedents.

8. The trial is likely to take a considerably long time.

9. The Applicant does not have any criminal antecedents.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:-

ORDER

(a) The Applicant - Ankit Kumar Ashok Pandey be released on bail in connection with C.R. No.20 of 2023 registered with the Cyber City Police Station, District- Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated,

in case of any change thereto.

(c) The Applicant shall report to the Cyber City Police Station, District-Pune once every month on the first Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) 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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]