

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

BAIL APPLICATION NO.- 1699 OF 2024

Arbaz Mubarak Rawala

... Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Kapil Dave, for Applicant.

Mr. Tanveer Khan, APP for State/Respondent.

Ms. Savita Shinde, PI Cyber Police station, BKC Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 25th APRIL, 2024.

PC:-

- 1)** Heard the learned Counsel for the parties.
- 2)** This application is preferred for bail in CR No. 12 of 2024, registered with Cyber Police Station, for the offences punishable under Sections 120B, 419, 406, 420, 465, 467 and 471 read with Section 34 of the Indian Penal Code, 1860 and Section 66 (D) of the Information Technology Act, 2000.
- 3)** The indictment against the applicant and the co-accused is that the applicant is one of the 34 credit card holders, who have obtained credit reversals without entering into an international transaction. The IndusInd Bank was thus defrauded to the tune of Rs.4,47,31,100/-.

4) The learned Counsel for the applicant submitted that the applicant has deposited the amount of Rs.1.50,000/-, which was fraudulently shown to have been spent by the applicant. Attention of the Court was invited to the report of the Investigating Officer (pg. No. 31), which records the said fact.

5) The learned APP submitted that apart from the applicant, two of the other card holders have been arrested.

6) The question as to whether the applicant is privy to the forgery of documents and whether the applicant has used the forged documents as genuine despite having known that the documents are forged, would be a matter for adjudication at the trial. Since the amount of Rs.1,50,000/- has already been deposited by the applicant and he is alleged to be one of the 34 credit card holders, who have dishonestly claimed credit reversal, I am inclined to release the applicant on bail.

7) Hence, the following order.

: ORDER :

(i) The application stands allowed.

(ii) The applicant be released on bail in CR No. 12 of 2024, registered with Cyber Police Station, BKC for the offences punishable under Sections 120B, 419, 406, 420, 465, 467 and 471 read with Section 34 of the Indian Penal Code, 1860 and Section 66 (D) of the Information Technology Act, 2000, on

furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the learned trial Court.

(iii) The applicant is permitted to furnish cash security in lieu of surety for a period of four weeks.

(iv) The applicant shall mark his presence at Cyber Police Station, BKC, on the first Monday of every month between 10.00 am to 12.00 noon for a period of two years or till conclusion of trial, whichever is earlier.

(v) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

(vi) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial court shall not be influenced by any of the observations made hereinabove.

[N. J. JAMADAR, J.]