IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 2054 of 2024

Amir S/o. Jogindra Kumar
Age 32 years, Occ. Labour,
R/at. Bharitya Nagar Jhopadpatti,
Vinobha Bhave Nagar,
Kurla (W), Mumbai - 400 070. ...Applicant

Vs.

The State of Maharashtra
(At the instance of
Vakola Police Station) ...Respondent

Ms Deepika Oswal i/b. Ashif Hussain, for the applicant.
Mr Amit A Palkar, APP, for the respondent/ State.
PI Pravin Kharade, Vakola Police Station, is present.

Coram: R. N. Laddha, J.
Date: 24 July 2024

P.C.

Heard Ms Deepika Oswal, the learned Counsel for the applicant and Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.533 of 2024, registered at Vakola Police Station, Mumbai, for the offences punishable under Sections 420 read with 34 of the Indian Penal Code and Section 66(c) and (d) of the Information Technology (Amendment) Act, 2008.

3. It is the case of the prosecution that on 15 May 2024, around 2:09 p.m., the informant, along with her in laws, arrived in Santacruz

East, Mumbai, via an uber taxi bearing registration No.MH 01 EM 1279. After alighting from the taxi and heading towards the road, the informant's father-in-law realised that he forgot his mobile handset and ATM Card inside the vehicle. The informant promptly contacted the co-accused, Rakesh Nadar, to enquire about the items. Rakesh assured her that he would verify and revert within ten minutes, but he failed to follow through. Despite attempting to establish communication with Rakesh, no response was received. Subsequently, the informant's father-in-law on 7 May 2024, visited an ATM to withdraw money but discovered that Rs.62,000/- had been transferred to the applicant's bank account.

4. Ms Deepika Oswal, the learned Counsel appearing on behalf of the applicant, highlights a 12-day delay in filing the FIR. She submits that the co-accused, Rakesh, shares a longstanding friendship with the applicant. Rakesh had borrowed Rs.70,000/- from the applicant, on the pretext of purchasing a new car. Subsequently, Rakesh informed the applicant that he deposited Rs.62,000/- in the applicant's account towards repayment of the loan. The learned Counsel further submits that the applicant's account has been frozen, and he is ready to cooperate with the investigation.

5. Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, contends that there is no documentary evidence supporting the alleged transaction between the applicant and the co-accused. The funds were transferred from the informant's father-in-law's account to the applicant. The applicant's

physical presence is necessary for recovering the mobile handset, ATM Card and cash. After the incident, the applicant was unavailable at the provided address.

6. Upon perusing the records, it appears that an amount of Rs.62,000/- was transferred from the informant's father-in-law's account to the applicant's account. *Prima facie,* there is sufficient material indicating the applicant's involvement in the crime. The mobile handset, ATM Card and the transferred sum have not yet been recovered. The investigation is at a nascent stage. In the circumstances, the applicant's custodial interrogation would be necessary. As a result, the application stands rejected.

(R. N. Laddha, J.)