



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 506 OF 2025

Manojkumar Subesingh,
Age : 30 years, Occu. : Labour,
R/o. H. No.302, Barsi VPO, Barsi,
Jattann, Dist. Bhiwani, State : Haryana. ... Applicant

Versus

The State of Maharashtra,
Through Pachod Police Station,
Tq. Paithan, Dist. Aurangabad. ... Respondent

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Mr. Ziya J. Pathan, Advocate for Applicant.
Mr. S. B. Narwade, APP for Respondent - State.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 16 APRIL 2025

PRONOUNCED ON : 17 APRIL 2025

ORDER :

1. Applicant seeks enlargement on regular bail as a result of his arrest in Crime No.0466 of 2024 registered at Pachod Police Station, District Aurangabad for offence punishable under sections 318(4), 316(2) r/w section 3(5) of Bharatiya Nyaya Sanhita and under sections 66(C) and 66(D) of the Information and Technology Act.

2. It is pointed out that, applicant is arrested in above crime in November 2024. That, there are allegations that two

unknown persons cheated informant by hand trick and withdrew Rs.1,99,971/- from ATM. Learned counsel submitted that, applicant and another person has been arrested. That, previous application prior to charge sheet was rejected. That, now investigation is over and charge sheet is filed on 13.01.2025. That, no further recovery or discovery is to be made and whatever recovery was to be made is already done. That, no purpose would be served by further detention. That, there are no immediate prospects of matter going for trial. That, applicant is ready to abide all and any conditions imposed by this court and hence, he prays for bail.

3. Learned APP opposed on the ground that, this court had rejected previous bail application. He pointed out that, there is no change in circumstances. That, only part amount is recovered. That, ATM card of informant is seized from present applicant. Learned APP pointed out that, applicant is from other State and there is likelihood of misuse of liberty. For all above reasons he opposes the bail.

4. Heard. Perused the papers. Report is lodged by one Sandeep Kaluse, who reported police that, he is account holder of HDFC Bank. On 17.11.2024, he had been to Pachod weekly Bazar

for purchase of bullocks. He used ATM machine, but was unable to receive amount. Two persons allegedly came behind him and offered to help, but even they could not succeed. Later on, informant started receiving message of withdrawal of various amounts from his account. He realized that he has been duped and cheated by those persons and therefore he lodged report. Investigation revealed that present applicant was using ATM card and he was chased and apprehended. This court had rejected earlier Bail Application. That, now charge sheet is filed, meaning thereby investigation is over. Learned APP has informed that part recovery is already made and even ATM is seized. T.I. parade is said to be conducted. For what purpose further custody is required is not made known to this court. Charge sheet being filed in January 2025 and trial would take sufficiently long time for conclusion of trial. Apprehension of misuse of liberty as applicant is from other State can be taken care of by imposing stringent conditions. Hence, the following order is passed :-

ORDER

- (i) The application is allowed.
- (ii) The applicant Manojkumar Subesingh be released on bail in connection with Crime No.0466 of 2024 registered at Pachod Police Station, District Aurangabad on executing P.B. of Rs.15,000/- with one surety in the like amount.

- (iii) The applicant shall not tamper prosecution evidence.
- (iv) The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- (v) The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday and maintain personal diary of his attendance till committal of the case and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)