



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2383 OF 2024

Manojkumar S/o Subesingh
Age 34 years, Occu.: Labour,
R/o. Bansi, Jatan, Tq. Bhiwani Kheda,
Dist. Bhieai (Haryana). ... Applicant

Versus

State of Maharashtra
Through Police Station Pachod,
Tq. Paitha, Dist. Chh. Sambhajinagar. ... Respondent

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Mr. Kiran B. Dantal, Advocate for Applicant
Mr. S.B. Narwade, APP for Respondent – State
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10 JANUARY 2025

PRONOUNCED ON : 14 JANUARY 2025

ORDER :

1. Applicant seeks enlargement on bail on account of his arrest in Crime No.466 of 2024 registered at Pachod Police Station, District Chh. Sambhajinagar, for offences punishable under Sections 318(4), 316(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).
2. Learned counsel for applicant pointed out that applicant is arrested in above crime on 17.11.2024. That, initially FIR is registered against two unknown persons. That, applicant is behind the bars since more than two

months. That, nothing is to be recovered or discovered from him. That, no purpose would be served by further detention of the applicant, and hence, learned counsel prays for grant of bail as according to him, applicant is ready to abide by all and any condition imposed by this Court.

3. Opposing the application, learned APP pointed out that, Pachod Police received report on 17.11.2024 from Sandip Subhash Kaluse informing that, on 17.11.2024, when he was operating ATM of HDFC Bank, he could not withdraw amount, at that time, he was approached by two Hindi speaking persons, and they assured to help him in withdrawing the money, however, even they could not succeed. That, later on at around 11.40 a.m., informant received a message on his mobile about withdrawal of Rs.49,985/-. That, shortly thereafter, message of withdrawal of Rs.99,986/- and as such, repeated messages were received regarding withdrawal of amounts from his account to the tune of Rs.1,99,971/-. On the above report, crime for the above offences is registered. Learned APP pointed out that police managed to keep track of withdrawal and found that transactions were done from Paithan, and therefore, police visited Paithan and arrested the applicant on the same day. Learned APP pointed out that in test identification parade, informant had identified both the accused. According to learned APP, both the accused are from the other State and there is every possibility that the

applicant is likely to misuse the liberty, hence, he prayed for rejection of application.

4. Heard both the sides. Perused the FIR. Taking into consideration above submissions and nature of allegations, it is emerging that, after assuring the informant to help him to withdraw amount from ATM, fraud was played on informant, and after he left the ATM, various amounts are withdrawn from the account of informant, i.e. to tune of Rs.1,99,971/-. Investigating machinery appears to have tracked and traced the said withdrawal from Paithan, and applicant is arrested on the same day and even applicant is identified by informant in test identification parade.

5. Taking into consideration the submissions of learned APP that present applicant is from other State and as investigation is still incomplete, this Court is not inclined to grant relief as prayed for. Hence, the following order :

ORDER

The application is rejected.

**ABHAY S. WAGHWASE,
JUDGE**