

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4332 OF 2024

Jayesh Harsinghbhai Prajapati	.. Applicant
Versus	
The State Of Maharashtra	.. Respondent

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- Mr. Ayyub Bashir Patel, Advocate for Applicant.
 - Ms. Mahalaxmi Ganpathy, APP for State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 20, 2025

P. C.:

- 1.** Mentioned out of turn at the time of rising of the Court.

- 2.** Applicant - accused has filed the present Application for regular bail in connection with Crime No. 480 of 2023 registered with Malad Police Station for offences punishable under Sections 419, 420, 34 of the Indian Penal Code, 1860 and under Sections 66© and 66(D) of the Information Technology Act, 2000.

- 3.** Learned Advocate for Applicant would submit that complaint has been filed by complainant against an unknown person having withdrawn Rs.9,00,000/- from his bank account through an ATM by using a credit card. The tracing of the accused person has led to the arrest of Applicant through other co-accused. He would submit

that investigation led to a person called one Aniket Sureshbhai Ghadiya whose statement was recorded and is appended at page No.23 of the Application. He would submit that Mr. Ghadiya has disclosed the name of one Mr. Atul Walsur and on the basis of Mr. Atul Walsur's statement the present Applicant has been arrested.

4. Allegation in the statement of Mr. Ghadiya and Mr. Atul is that the credit card of Ghadiya was given to Applicant by Mr. Atul Walsur and he has used said credit card to withdraw the amount of Rs.9,00,000/- from an ATM somewhere in Dubai. One of the submissions made by the learned Advocate is that when the amount is withdrawn there have to be details of the concerned ATM or the place from where it is withdrawn or the details of the withdrawal, which are not reflected in the chargesheet which has been filed. He would therefore persuade the Court to consider the fact that investigation has not been done in the correct direction at all. He would submit that arrest of the Applicant is therefore clearly a suspect and on the basis of surmises.

5. The submission made by the learned Advocate for Applicant shall be considered by the prosecution and learned APP appearing in the matter shall take appropriate instructions and inform the role of Applicant to the Court on the next adjourned date.

6. Considering the incarceration of the Applicant for the past one year present matter will be taken up for hearing on the next adjourned date. Copy of this order shall be served on the Respondents by the learned Advocate for Applicant.

7. Stand over to **25th February, 2025.**

PR. Rajput

[MILIND N. JADHAV, J.]