



IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO.2041 OF 2022
(CNR NO.MHCC05-006830-2022)

IN

C.R. NO.261/2019
(POLICE STATION, BANGUR NAGAR)

Mr. Amit Subodh Samata)
Aged 30 years, Indian inhabitant,)
Occ: Business, residing at Building No.14, Flat)
No.503, Sonam Mayuresh Co-op. Housing)
Society Ltd., Old Golden Nest, Mira Bhayander,)
Mira Road, Thane,)
Maharashtra – 401 107.) ..Applicant

Vs.

The State of Maharashtra,)
(At the instance of Bangur Nagar Police Station)
vide their C.R. No.261 of 2019)) ..Respondent

Adv. Mr. Shadab Khopekar for the applicant.
APP Mrs. Usha Jadhav for the State.

Coram : His Honour Addl. Sessions Judge,
Ashish Ayachit
(C.R.No.8)

Date : 28th December, 2022.

ORDER

This is an application u/s. 438 of Cr.P.C. for grant of anticipatory bail in Crime No.261/2019 registered with Bangur Nagar Police Station for the offences punishable under Sections 408, 420, 463, 465 r/w Section 34 of I.P.C. and Section 43(A), 63(C) and 66(D) of Information Technology Act.

2. Perused the application and say of Investigation Officer.
3. Heard Adv. Mr. Shadab Khopekar for the applicant, APP Mrs. Usha Jadhav for the prosecution. API Mr. Doijad on behalf of I.O. present.
4. It revealed that the offence is registered in the year 2019. One accused Nikhil Mukund Kanekar, who is accused No.1 in the present crime got enlarged on anticipatory bail by the Hon'ble High Court in Anticipatory Bail Application No.1877/2019 by order dated 7.8.2021. It revealed that he deposited amount of Rs.2,63,000/- in the Registry of Hon'ble High Court and the Hon'ble High Court permitted to withdraw the same by intervenor, who is informant in this case.
5. Adv. Mr. Shadab Khopekar for the applicant submitted that the applicant/accused left the service in the year 2018. He tendered his resignation letter on 26.03.2018. He submitted that he has no criminal antecedents and he is ready to co-operate the Investigation Officer in interrogation.
6. As against this, the Investigation Officer prayed for rejection of application only for recording statement of the applicant and to ascertain whether the amount has been siphon in other bank account. The offence is triable by the Magistrate. Thus, the custodial interrogation of the applicant/accused is not necessary. In view of the facts and circumstances as well as allegations made against the applicant/accused, I think it proper to grant anticipatory bail to him in the event of his arrest. I, therefore, pass the following order :-

ORDER

1. Anticipatory Bail Application No.2041/2022 is allowed.
2. The applicant-Amit Subodh Samata be released on bail on executing personal bond in the sum of Rs. 30,000/- (Thirty Thousand Rupees Only) with one or two sureties in the like amount, in the event of his arrest in Crime No.261/2019 registered with Bangur Nagar Police Station for the offence punishable under Sections 408, 420, 463, 465 r/w Section 34 of I.P.C. and Section 43(A), 63(C) and 66(D) of Information Technology Act, on the following conditions :
 - (i) He shall attend police station twice a month i.e. on 1st and 15th day of month in between 10.00 a.m. to 12.00 noon till filing of charge-sheet.
 - (ii) He shall not tamper with the prosecution case.
 - (iii) He shall not travel abroad, without prior permission of the Magistrate.
 - (iv) He shall deposit his passport with the Investigation Officer during investigation.
 - (v) He shall remain present on the day, when the charge-sheet is filed in the court of Magistrate
 - (vi) The Investigation Officer is directed to acknowledge presence of the applicant.
3. Inform the concerned Police Station, accordingly.
4. Anticipatory Bail Application No.2041/2022 stands disposed of, accordingly.

Date: 28.12.2022

(Ashish Ayachit)
Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi
Goregaon, Mumbai

Dictated by HHJ on : 28.12.2022
Transcribed on : 28.12.2022
Signed by HHJ on : 28.12.2022

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE AND TIME : 29.12.2022 4.15 P.M. ATUL SURYAKANT BHOGTE
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri Ashish Ayachit (Court Room No.8)
Date of Pronouncement of Judgment/Order	28.12.2022
Judgment/Order signed by P.O. on	28.12.2022
Judgment/Order uploaded on	29.12.2022

