

Harimohan Shivhare @ Rinku @ Deepak ... vs The State Of Madhya Pradesh on 16 November, 2016

MCRC-18323-2016

(HARIMOHAN SHIVHARE @ RINKU @ DEEPAK KUMAR @ NAVAL KISHORE @ MAHENDRA

KUMAR Vs THE STATE OF MADHYA PRADESH)

16-11-2016

Shri J.L. Soni, learned counsel for the applicant.

Shri Vivek Lakhera, learned Panel Lawyer for the respondent/State.

Heard.

This is first application filed under Section 439 of the Cr.P.C. for grant of bail in connection with Crime No. 51/2015 registered at Police Station Cyber Crime Bhopal, District Bhopal for the offences punishable under Sections 419/120-B, 420, 467, 468, 470 & 471 of the IPC and Sections 66-C and 66-D of the Cyber Crime Act.

Allegation against the applicant is that in his account an amount of Rs. 25,000/- was transferred.

Another co-accused Naresh Malviya has been granted bail by this Court vide order dated 04.05.2016 passed in M.Cr.C. No.6410/2016. The Court passed following in the aforesaid case:

"Shri Ankit Saxena, learned counsel for the applicant.

Shri Pradeep Singh, learned Government Advocate for the respondent/State. Heard.

This is first application filed under Section 439 of the Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 51/2015 registered at P.S. Cyber Crime, Branch Bhopal District- Bhopal for the offence punishable under Sections 419, 420, 467, 468, 470, 471 and 120-B of the IPC & Section 66C and 66-D of IT Act.

Two Bank accounts of Mahakali Foods Private Limited were hacked through NET Banking. Total amount of Rs. 1,91,00,000/- were transferred in the account of different persons in the different accounts. Rs. 40,00,000/- were transferred in the account of Manmohan Kaloniya, Rs. 20,00,000/- in the account of Virendra Ramesh Shah, Rs. 30,00,000/- in the account of Sunil Sarathe, Rs. 9,00,000/- in the account of Sai Enterprises, Rs. 9,00,000/- in the account of R.S.P. Enterprises, Rs. 20,00,000/- in the account of Sayed Khadar, Rs. 5,00,000/- in the account of

Deepak Kumar, Rs. 40,000/- in the account of M.K. Teleconnect and Rs. 18,00,000/- in the account of Fija Enterprises were transferred. The allegation against the present applicant is that he was also involved in opening the account of Sunil Sarathe and an amount of Rs. 30,00,000/- was deposited in the account of Sunil Sarathe. There is no allegation that any amount was transferred in the account of the present applicant. As per the memorandum, the allegation against the present applicant is that he had spoken to Mr. Sunil Sarathe on phone. The applicant is in jail since 09/01/2016.

The prayer for bail is opposed by learned Government Advocate.

Looking to the nature and facts of the case but without expressing any opinion on the merits of the case, this application is allowed.

It is directed that on furnishing a personal bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand Only) by the applicant along with one solvent surety in the like amount to the satisfaction of the trial court, the applicant be released on bail with a direction to appear before the trial court on the date of the trial.

The applicant shall abide by the following conditions of 437 (3) of Cr.P.C. as under:-

- (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
- (b) that such person shall not commit any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and
- (c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Certified copy as per rules."

Looking to the aforesaid facts of the case and the nature of the case, without expressing any opinion on the merits of the case, the application is allowed.

It is directed that on furnishing a personal bond in the sum of Rs.50,000/- (Rs. fifty thousand) by the applicant along with one solvent surety in the like amount to the satisfaction of trial Court/committal Court, the applicant Harimohan Shivhare shall be released on bail with a direction to appear before the trial court on the date of the trial.

The applicant shall abide by the following conditions of 437 (3) of Cr.P.C. as under:-

1. that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
2. that such person shall not commit any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and
3. that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Certified copy as per rules.

(S.K. GANGELE) JUDGE vkt