

(2024) 03 UK CK 0111

In the Uttarakhand High Court

Case No : First Bail Application No. 227 Of 2024

Ankit Yadav

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 22-03-2024

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 409, 411, 420

Citation : (2024) 03 UK CK 0111

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Karan Anand, Akshay Latwal

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. Applicant Ankit Yadav is in judicial custody in FIR/Case Crime No. 700 of 2023, under Sections 420, 409, 411, 120B IPC, Police Station Patelnagar, District Dehradun. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant alongwith the co-accused have stolen money from the ATMs on various dates and it was done from recycler machines. They were captured in the CCTV.

4. Learned counsel for the applicant would submit that the applicant was not any public servant. He was not entrusted with any money. In the CCTV, he is not seen doing anything actively to take out money from any recycler. He has been implicated merely based on the statement of the co-accused. Even the CCTV footage, it is argued has not been sent for forensic examination so as to ascertain as to whether it is genuine or doctored. Learned counsel would submit that the currency notes which were allegedly recovered from the applicant has not been sent to the bank to ascertain whether they were taken from the same

ATM as alleged by the prosecution.

5. Learned State counsel would submit that, in fact, there were some persons deputed to put money in the ATMs. They had certain passwords. The applicant had also worked at some time as custodian of those ATMs. He was also entrusted with the duty of keeping money in those ATMs. He along with those custodian, with the help of using its passwords, took huge money from those ATMs; they have been captured in the CCTV footages. CCTV footages have been enclosed with the objection. It is argued that Rs.2 Lakh were also recovered from the applicant.

6. It is a stage of bail. Much of the discussion is not expected of. Arguments are being appreciated with the caveat that any observation made in this order shall have no bearing at any subsequent stage of the trial or in any other proceedings.

7. It is a very serious offence. It is draining the public exchequer by deceitful means. What is alleged against the applicant is that he with the help of the custodian of the ATMs, took money from the recycler machines of the ATMs. Total Rs.49,88,400/- were taken from the ATMs. The applicant has been seen in the CCTV footages and the photographs have been filed by the State. It is also alleged that some money was recovered from the possession of the applicant.

8. Having considered, this Court is of the view that there is no ground to enlarge the applicant on bail. Accordingly, the bail application deserves to be rejected.

9. The bail application is rejected.