IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1112 OF 2015

Mr. Anil Ramchandra Jadhav ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Anand U.Upadhyay, Advocate,for the applicant.
Ms. Rutuja Ambekar, APP, for the State.
Mr. Sagar B. Kalekar, PSI, Worli Police Station, Mumbai, present.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 12th August, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No. 102 of 2015 registered at Worli Police Station on 9.3.2015 for the offence punishable under Section 420 of the Indian Penal Code.

2. It is the case of the prosecution that on 9.3.2015, the complainant Sunita Shivaji Pawar lodged a report at the police station alleging therein that her father is officiating as an Assistant Sub-Inspector in the Police Department of the State of Maharashtra and is presently posted at N.M.Joshi Marg Police Station. Th complainant has alleged that 3 years ago, her father was posted with Social Service Branch. The present applicant was working as a Constable with him. That since they were working in the same office, they had got acquainted with each other and they had developed friendly relations. It is alleged that the applicant had represented to the father of the complainant that he is enrolled as a member of Royal Jagrutee Sanghatana. That he has invested amount in the said Organization. That within six months from the date of investment, the organization returns double the amount of the amount invested. That the organization conducts seminars once in a month. According to the complainant, her father had fallen a prey to the said inducement and with an intention to earn money easily he had encashed the policies and had also sold the ancestral jewellery and had deposited an amount of Rs.9 lakhs in the organization.

3. That the applicant and Suresh Naik, who is working as an ASI with the Crime Branch, had floated the said Scheme and had issued indemnity bonds, promissory notes and other assurances. Suresh Naik and the applicant had issued 3 cheques in lieu of the amount invested. The said cheques got dishonoured. The complainant and her father insisted upon the applicant to return the amount. He avoided the same. The applicant is alleged to have retorted by saying that he had not coerced the father of the complainant to invest in the said scheme and he had threatened that he would cut his artery and hold the father of the complainant responsible for the same. On the basis of the report, Crime No. 102 of 2015 was registered and investigatory was set in motion.

4. Perused the papers of investigation. It appears that 3 cheques were issued by the applicant to the father of the complainant dated 25.5.2015 and 15.5.2015 and one more cheque dated 1.2.2014 was issued. That on 26.10.2014, the applicant had also given an indemnity bond for returning that amount of Rs.9 lakhs. A non-judicial stamp dated 20.11.2014 was executed in which the applicant had admitted to return the said amount.

5. The learned counsel for the applicant submits that the said cheques were obtained under threat and coercion and accordingly he had made representation to the Assistant Commissioner of Police on 7.5.2014 alleging therein that he was threatened of dire consequences by PSI Shikre and PSI Avte to sign the said cheques and indemnity bonds. That he had informed the Assistant Commissioner of Police that he was taken to Bhoiwada where the non-judicial stamps were taken in his persnoal name and thereafter he was forced to sign on the said documents. According to the learned counsel, the said cheques were obtained from the applicant at the behest of the father of the complainant. According to the learned counsel, in fact, the father of the complainant should have shown the

courage to file the report in his own name and ought not to have asked his daughter to file the first information report.

6. The learned counsel has also drawn attention of this Court to the complaint filed by the father of the complainant under Section 138 of Negotiable Instruments Act against the applicant which is registered as Case No.745 of 2014 and is pending before the learned M.M., 7th Court, Dadar. In the said complaint, the father of the complainant has specifically taken a stand that he had given friendly loan of Rs.3 lakhs to the applicant to purchase agricultural land at his native place. That he had given him friendly loan. That the applicant herein had issued receipts to that effect. According to the learned counsel for the applicant, the father of the complainant has misrepresented the fact. He has suppressed correct facts and has concealed the truth and therefore, the present applicant prays for grant of pre-arrest bail.

7. It is an unfortunate situation where such schemes are being floated and run by police department. It is common knowledge that the labour class or the people belonging to the lower economic strata got induced to invest in such schemes only to earn handsome returns in a short while. Such schemes are being investigated by the police day in and day

out and in the present case it is seen that such schemes are run in the police department. It is pertinent to note that all these amounts are paid in cash and not by cheque.

8. The learned counsel for the applicant submits that ASI Suresh Naik, who had floated the scheme, has expired. Learned APP, upon instructions, submits that the office of Jagrutee Organization has been closed five years ago. The papers of investigation reveal that some lady constables had also entrusted huge amounts with the present applicant to invest in Jagrutee Organization. The learned counsel for the applicant has candidly stated that he is also one of the investors in Jagrutee Organization and that he is also a victim of cheating by Jagrutee Organization and therefore he cannot be held responsible. It is submitted that Shri Suresh Naik in fact died in a road accident and therefore, the other officers who have invested in the said scheme are blaming the present applicant as well as they have grievances against company.

9. Papers of investigation would reveal that the receipts on behalf of Royal Jagrutee Organization were issued by the present applicant. One of the receipts issued in favour of the father of the complainant is dated 19.1.2013 where the applicant had received the amount on behalf of

Organization. All these aspects would clearly indicate that the present applicant was also working on behalf of the Organization and has accepted huge amounts from the police personnel under the garb of investing it in the said Organization. This is a case which would require custodial investigation. Being a police, the applicant cannot claim to be above law. In the eventuality of being granted pre-arrest bail would not only hamper the proper and fair investigation, but the possibility of tampering of evidence by the applicant cannot be ruled out.

10. The application being sans merit, stands rejected.

(SMT.SADHANA S.JADHAV, J.)