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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1502 OF 2015**

Vinod Ramakant Jha

...Applicant

Versus

State of Maharashtra

...Respondent

Ms.Mallika Ajay Ingale, for the Applicant

Ms.Y.M.Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 8th OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 611 of 2014, registered with the Borivali Police Station, Mumbai for the alleged offences punishable under Sections 120B, 419, 420, 465, 467, 468, 471, 170 of the Indian Penal Code.
3. The complainant is one Omprakash Mishra. He has alleged that on 19th December, 2014, one reporter – Girish Singh working in his

company disclosed to him that an IB officer had come from Delhi and that he would introduce him to the said officer. Pursuant to which, he went to Thakur Village. He has stated that Girish Singh took him opposite Konark Hotel and introduced him to one Anil Singh, who disclosed that IB Officer – Ashwinikumar Supra (Original Accused no.1) was known to him and that he would introduce him to the said IB officer. He has stated that thereafter at about 12 noon, he along with Girish Singh, Anil Singh and Ritesh Tiwari went to Green Valley Hotel at Borivali. He has stated that when they reached there, Anil Singh introduced the applicant, Savarmal Khandelwal, Swami Gowda and Baban Patil, as being friends of the IB Officer - Ashwinikumar Supra. He has alleged that the applicant told him that Ashwinikumar Supra was a top Intelligence Bureau Officer and an IAS Officer and that he would get him a tender of 150 crores. Thereafter, the applicant and Savarmal Khandelwal are stated to have taken the complainant to a room, where the applicant introduced him to the said IB Officer. According to the complainant, the said Ashwinikumar Supra disclosed to him that there was a project of installation of Information Chip for India and that the said IB Project was of Rs.2,260/-crores, out of which he could give him a project of Rs.150 crores. The said Ashwinikumar

Supra is stated to have shown documents of the Home Department and other such documents to the complainant and asked him how much he could invest. When the complainant is stated to have responded that he could invest Rs.2-3 lakhs, the said Ashwinikumar Supra asked him to pay Rs.50,000/- as token money. According to the complainant, as he did not have Rs.50,000/- he gave Rs.20,000/- to Ashwinikumar Supra, pursuant to which he was asked to bring several documents i.e. Birth Certificate, Bio-data, pancard, bank account number, photos etc. The complainant has stated that after he left, he started getting calls from the Applicant asking whether he was coming to meet Ashwinikumar Supra. Considering the calls made, the complainant became suspicious and informed the police and a trap was laid. He has stated that when he went back, the Applicant, Anil Choudhary, Baban Patil, Savarmal Khandelwal, Swami Gowda were all sitting in the room with Ashwinikumar Supra ; and that Ashwinikumar Supra asked him whether all the documents were brought and after seeing the same asked him to deposit Rs.2,50,000/- in his account in State Bank of India. As the said Ashwinikumar Supra did not give the complainant any tender documents, he called the police and all the accused came to be arrested.

4. Learned Counsel for the applicant submits that the applicant himself is a victim of circumstances and that he genuinely believed that the accused no.1 was an IB Officer. She submitted that the only allegation qua the applicant is that he introduced the complainant to accused no.1, as an IB Chief. She submitted that there are no allegations of forgery as against the applicant. She submitted that investigation is complete and charge-sheet is filed. She also stated that the applicant has been enlarged on bail in a similar C.R., being C.R.No.617 of 2014, lodged the instance of one Shravan Kumar Saha.

5. Learned APP submits that apart for the statement of the complainant, there is a statement of one witness – Barister B. Prajapati, who has stated that the applicant introduced him to Ashwinikumar Supra and that on demand, he had paid an amount of Rs 35,000/- by cheque to the applicant for getting a vehicle for a lesser price. He has stated that his cheque was cleared on 26th August 2014. Learned APP, on the instructions of the Investigating Officer, who is present in the Court, states that although there are no allegations of forgery and fabrication, qua the applicant, however Section 120-B has been applied. Learned APP does not

dispute the fact that the applicant in a similar case has been enlarged on bail in C.R.No.617 of 2014 and the said order has not been challenged by the State.

6. It appears from the material on record, *prima facie* that the applicant introduced accused no.1 as being an IB Chief pursuant to which the complainant and others were cheated. Although, there are no direct allegations of forgery and fabrication of documents qua the applicant, Section 120-B has been applied. It appears that in a similar case, the applicant has been enlarged on bail. Investigation is complete and charge-sheet is filed. Considering the aforesaid, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- with one or two local sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to surrender his passport, if any, with the Trial Court;

(vi) The applicant shall not leave Mumbai, without the permission of the Trial Court;

(vii) The applicant to cooperate with the conduct of the trial;

(viii) An undertaking to the aforesaid clauses (ii) to (vii) shall be filed by the Applicant, in the Trial Court, within two weeks after his release.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.