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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1442 OF 2015**

Harsharaj Bhagwan Patole

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Ashish Pratap Madnesh Singh, for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

API - Mr.Jagvendrasing Rajput, Nerul Police Station, Navi Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 7th OCTOBER, 2015

P.C. :

1. Heard learned counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.164 of 2015 registered with the Nerul Police Station, Navi Mumbai, for the alleged offences punishable under Sections 420 r/w 34 of the Indian Penal Code.
3. The complainant is one Sudhir Ashok Yadav. He has stated in his complaint that after passing his 12th Standard, he started looking for a

job. He has stated that in the year 2014, there was a recruitment drive going on in the Maharashtra Police Department on a large scale ; and that he had previously tried to apply for a job but was unsuccessful. He has stated that as he wanted to work in the police department, he was trying to get appointed in the said department. He has stated that the present applicant who hails from the same village, informed him that he knew one person, who would help him to get appointed in the police department. Pursuant to the same, the applicant introduced the complainant and others to one Rajender Sakpal, who disclosed to the complainant that he knew one officer/person from the Crime Branch office, who was doing the work of police recruitment. He has stated that pursuant to the same, he along with his friends came to Nerul, Navi Mumbai and met Rajender Sakpal. He has stated that Rajender Sakpal introduced them to one Sandeep Chavan, who disclosed that money will have to be given in order to get recruitment in the police department. It appears that Sandeep asked them to initially pay Rs.10,000/- ; 2 lacs during medical and 2 lacs after recruitment, pursuant to which they paid Rs.10,000/- each. Thereafter, it is stated that the present applicant and Rajendra Sapkal called all of them on their mobiles and disclosed that the entire amount will have to be paid to the higher ups or

else their work will not be done. Similarly, Sandeep is also stated to have called and disclosed the same to them. According to the complainant, the present applicant would come to his house and demand money and assured him, that if the said work of recruitment was not done, the money would be returned. According to the complainant, on the applicant's assurance and insistence, he collected a sum of Rs.3 lacs from his father and brother and gave it to Sandeep Chavan, who assured that the work will be done within two months. It is stated that the applicant and Sapkal were present in the office at that time. According to the complainant, upto January, 2015, as nothing happened, he tried to contact the applicant and others, however, they started giving evasive answers. It is alleged that Rajendra Sakpal gave him a cheque of Rs.2,30,000/- which was dishonoured. It is thereafter stated that in May, 2015, Sandeep Chavan also promised to return Rs.3 lacs and give a cheque for the said amount. On 25th May, 2015, Sandeep Chavan is alleged to have given in writing on a stamp paper, that he is taking the responsibility of returning the said amount. The cheque given by Sandeep Chavan was also dishonoured on presentation. Pursuant to the aforesaid, complainant lodged a complaint alleging that he was cheated by the present applicant - Harsharaj Bhagwan

Patole, Rajendra Sakpal and Sandeep Chavan.

4. Learned Counsel for the Applicant contended that the present applicant had not taken a single penny from the complainant. He submitted that infact the applicant was a victim of circumstance. He further submitted that the money was paid to Sandeep Chavan and Rajendra Sapkal, pursuant to which both agreed to make payments and issued cheques, which were dishonoured. He further submitted that the applicant's father had sold a plot of land and that the applicant had also given an amount of Rs.3 lacs for getting a job in the police department, by selling his ancestral property.

5. Learned APP opposed the present application. She submitted that from a perusal of the statement of the witnesses, it is evident that, it is the applicant who introduced the complainant and others to Rajendra Sakpal and Sandeep Chavan. She submitted that there are bank statements which show transfer of amount, at this stage, atleast of Rs.40,000/- and Rs.8,000/- in the account of the applicant. She submits that the money was taken for the police recruitment process, by misrepresenting to the

complainant and others and as such the custody of the applicant is required to know how many people have been cheated and how many people are involved in the said case.

6. Perused the papers in particular, the statement of the complainant – Sudhir Yadav, Tanaji Shingade, Nilesh Nirmal and Amit Nirmal. All the said witnesses have consistently stated that it was the applicant who induced them to make payments to Rajendra and Sandeep, for getting a job in the Police Department. It appears from the statements that it is the applicant who would go to their residences and ask them to make payments. It also appears that the applicant had promised that if the job of recruitment was not done, the aforesaid amounts would be returned back to them. The bank statement shows that a sum of Rs.40,000/- and Rs.8,000/- has been credited in the account of the applicant. Therefore, the contention that the applicant had not received any money, does not appear to be *prima facie* correct. The submission of the learned counsel that the applicant himself is a victim of circumstance and had paid Rs.3 lacs by selling his ancestral property, at this stage, cannot be accepted considering that some money has gone into the applicant's account. It also appears that

the applicant has not lodged any complaint, as against Rajendra Sakpal and Sandeep Chavan, if he too was cheated as submitted by the learned counsel for the applicant.

7. Considering the nature of allegations, which are serious, the custody of the applicant will be required to know, how many people have been cheated and how many people are involved in the said case.

8. Hence, the Application for anticipatory bail is rejected and disposed of as such.

9. It is made clear, that if an application for regular bail is filed in the appropriate Court, the said Court, shall decide the Application for regular bail, if filed, on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.