

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1617 OF 2015

Vinod Kashinath Kudwalkar ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Tejas Dandei/b. Tejas Dande & Associates for the Applicant
Mrs. Veera Shinde, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 01, 2015.**

P.C.

1. This is an application for anticipatory bail filed by the applicant apprehending his arrest in Crime No.I-255 of 2015 registered with Kharghar Police Station for the offence punishable under Section 406, 420 r/w. 34 of the Indian Penal Code.
2. Mr. Dande, the learned counsel for the applicant has submitted that the applicant is not involved in the crime. He has further submitted that the main accused who had allegedly demanded money and received the money has already been released on bail by

the Sessions Court. He has stated that the nature of the allegations does not justify the presence of the applicant for custodial interrogation.

3. The learned APP has brought to my notice the statements of the witnesses and submitted that the applicant herein was involved in introducing the complainant to the accused no.2. The applicant as well as the co-accused have received a huge amount under the pretext of securing admission to the medical college. She has further submitted that the cheques which were allegedly issued by the co-accused have been dishonoured.

4. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties. The FIR lodged by Shobha prima facie reveals that her son Prithvi and his friend Rishab were desirous of securing admission in medical college. Her son had secured 351 marks whereas his friend Rishab had secured 326 marks and they were unable to get admission on merits. She has stated that on 14.6.2014 she had discussion with the

applicant herein over the issue of admission and that on 15.6.2014 the applicant had told her that he has a friend in the medical college who would secure admission for them. The applicant had further told her that she would have to pay Rs.22 lakhs in cash for the admission of her son and Rs.25 lakhs for the admission of Rishab. On 16.6.2014 the applicant once again called her to one Three Star hotel at Kharghar along with cash. Hence, she alongwith her husband and the parents of Rishab went to the said hotel and met the applicant and his friend Mohnish Gaikwad. She has further stated that the applicant as well as Mohnish had told her that in case they deposited money as demanded, they would get the receipt of admission within a week. The applicant and his associate declined her request to take her to the college. She has stated that relying upon the assurance given by the applicant and his associate, they paid to them Rs.22 lakhs towards the admission of her son Prithvi and Rs.25 lakhs towards the admission fee of Rishab.

5. The statements of the parents of Rishab also prima facie reveals that the applicant as well as the accused had received Rs.22 lakhs

and Rs.25 lakhs respectively by representing to them that they would be able to secure admission for their children in the medical college.

6. The material on record further reveals that the applicant herein as well as Monish had persistently assured the complainant and the parents of Rishab that admission process was in progress. The complainant and parents of Rishab demanded return of the money as well as the marksheet since the applicant and his friend were unable to secure admission. They have stated that the marksheet of their son was returned, however, the amount of Rs. 47 lakhs paid by them for securing the admission was not returned. In view of their persistent demand, the co-accused issued cheques which were dishonoured.

7. The material on record thus prima facie reveals that the applicant herein was involved in the offence which disclose essential ingredients of offence under section 420, as well as 406 of I.P.C. The amount received from the complainant and the parents of Rishab is not yet recovered by the Investigating Agency. Besides, considering

the nature of the allegations, the investigating agency is required to decide whether the crime alleged is an isolated incident or whether the applicant and his associates, if any, are involved in a bigger racket of defrauding the students and their parents who are desperate to secure the future of their children. Such thorough investigation is possible only through custodial interrogation. The offence needs to be investigated thoroughly.

8. Considering the nature of the offence, I am not inclined to grant bail to the applicant. Hence the application for anticipatory bail is rejected.

(ANUJA PRABHUDESSAI, J.)