

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**909 CRIMINAL APPLICATION NO. 3976 OF 2016**

**RUKMIN D/O MADHAVRAO JADHAV**

**VERSUS**

**THE STATE OF MAHARASHTRA  
& ANR.**

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Mr. A.A.Mukhedkar, Advocate for Applicant.

Mr. S.D.Ghayal, A.P.P. for Resp. – State.

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**CORAM : A.M.BADAR, J.**

**DATE : 1<sup>st</sup> SEPTEMBER, 2016**

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**PER COURT :**

1. Applicant/accused in Crime No. 523/2016 registered at Mukundwadi police station, Aurangabad for the offences punishable U/ss 420,504,506 of the Indian Penal Code at the instance of Kamlabai Dinkar Navgire, by this application is seeking pre-arrest bail.

2. Heard learned counsel for the applicant extensively. He argued that the applicant is working as Security guard with Municipal Corporation, Bombay and as such she is not in a position to provide employment to

anybody. There is no evidence to show that the applicant was present at Police Sainiki Sanstha at Aurangabad when she is in service of Municipal Corporation, Bombay. Learned counsel further argued that there is delay of 2 years in lodging F.I.R. The allegations are false. Cheque book of the applicant was lost and the cheques from that cheque book are being mis-used.

3. Learned A.P.P. opposed the application.

4. Perused papers of investigation including the report lodged by Kamlabai. It is seen from the F.I.R. that Kamlabai had been to Police Sainiki Sanstha at Aurangabad for admission of her nephew. As per the averment in the F.I.R., through one Shaikh Rahim Shaikh Karim, she met the present applicant. The applicant assured her that her nephew will be given employment directly in the Municipal Corporation, Bombay either as security guard or as a clerk on payment of Rs. 2 Lakh. The informant further averred that accordingly she paid amount of Rs. 1 Lakh to the applicant on 16/08/2013 and thereafter amount of Rs. 50,000/- was also paid to her. According to the informant, as a security and assurance, present applicant had given 2 cheques for this amount to her. Subsequently neither employment was provided to the nephew of the informant nor her money was refunded to her. Hence, the informant approached police.

5. This Court is noticing that the unemployed youths are being allured on the pretext of providing them

employment. Instant case appears to be one more instance of such cheating. The averments of the informant are corroborated by the statements of witnesses recorded by the Investigating Officer. That apart, there is no plausible explanation from the applicant as to why 2 duly signed cheques were given by her to the informant for the amount which the applicant had received from the informant. The applicant did not lodge any report about loss of her cheque book up-till-now. The delay in lodging F.I.R. can not be a ritualistic formula to doubt the informant. The informant was hoping that at one or the other day, the applicant would manage to give employment to her nephew. Capacity of the applicant to provide employment is of no significance. The case is of that of cheating. Custodial interrogation of the applicant is must because the Investigating Officer will have to trace out as to how many such unemployed youths were cheated by the applicant. In this view of the matter, no case for anticipatory bail is made out. Hence, the following order.

6. Criminal Application stands rejected. Learned counsel for the applicant prays for extension of interim protection.

7. Considering the nature of the offences, said request is rejected.

**[A.M.BADAR, J.]**