

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

**4 CRIMINAL APPLICATION NO. 5091 OF 2016
WITH
APPLN/5132/2016
IN
APPLN/5091/2016**

RAVINJAY MOHANRAO KULKARNI

VERSUS

THE STATE OF MAHARASHTRA

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Mr. R.R.Kakani, Advocate for Applicant.

Mr. S.M.Ganachari, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 23rd SEPTEMBER, 2016

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PER COURT :

1. This is one more case where unemployed youth of this Country is lodging the complaint of cheating by unscrupulous element of the society by alluring him by assuring him to provide public employment.

2. The informant Arayub s/o Raufsab Shaikh reported that the present applicant informed him that he has good relations with the then Hon'ble Minister for Railways Mr.

Mallikarjun Kharge. At that time, the informant was actually in need of employment and he had already applied for the post of Khalashi Trunk-man with Railways. The applicant took cell phone number of the informant. The informant was called at Bidar in October, 2013 at his house. The applicant informed the informant that he will have to pay Rs. 6 Lakh for getting public employment and as an advance he will have to deposit Rs. 2 Lakh. Then the applicant came to Udgir and took Rs. 1.40 Lakh from the informant for providing public employment. Thereafter the applicant demanded further amount and accordingly amount of Rs. 51,000/- and Rs. 10,000/- was credited to the bank account of the applicant by the informant. This happened in the beginning of the year 2014. Despite repeated requests, the applicant then gave evasive replies to the informant and subsequently refused to recognize him. The informant further reported that even police refused to take cognizance of his report. Left with no alternative, then the informant approached the learned Magistrate, who ultimately passed order u/s 156 (3) of the Code of Criminal Procedure resulting the registration of the crime in question.

3. Though the learned counsel for the applicant strenuously urged that there are proceedings u/s 138 of the Negotiable Instruments Act between him and 3 other persons, *prima facie* there is no nexus of those proceedings with the case in hand is found. The learned counsel for the applicant further argued that the applicant was kidnapped. He further stated that the mother of the applicant had lodged report in

the matter. All these aspects are not germane to the case in hand.

4. The F.I.R. of the crime in question shows how unemployed youth is cheated by promising public employment to him. The sum of about Rs. 2 Lakh was extracted by the applicant on the pretext of providing employment in the Railways department.

5. In this view of the matter, no case for bail is made out. Hence, the following order.

(i) The Criminal Application stands rejected and stands disposed of. In view of disposal of main application, Criminal Application No. 5132 of 2016 also stands disposed of.

[A.M.BADAR, J.]