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

CRIMINAL APPLICATION NO.6666 OF 2015

Bhaskar s/o Bhagwat Khemnagar & ors. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr K.N. Shermale, Advocate for applicants;
Mr A.S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 8th January, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants are seeking pre-arrest bail, in connection with C.R. No.I-67 of 2015, registered with Ashwi police station, Taluka Sangamner, Dist. Ahmednagar, for offences punishable under sections 417, 420, 465, 467, 468, 471 read with section 34 of the Indian Penal Code, pursuant to an incident which took place on 15th July, 2013 and onwards, for which first information report came to be lodged on 6th November, 2015.

2. The prosecution case against the applicants herein is that by giving false promise of employment in Govt. offices to unemployed youths, the applicants have collected huge amount and as such cheated them.

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3. With the assistance of the learned Counsel, I have perused the entire first information report.

4. While trying to make out a case for grant of pre-arrest bail, learned Counsel appearing on behalf of the applicants would urge that before registration of the crime against the present applicants, at the behest of applicant no.2 C.R. No.66 of 2015 was registered on 23rd March, 2015 against the accused persons, who have also duped present applicants by promising employment in the Government office. He would then urge that applicant no.2 who is an Advocate by profession, was aspiring to be a Government servant and as he was duped, the other candidates have blamed him and have impleaded as an accused. He would then urge that it is out of registration of the crime at the behest of present applicant no.2 vide C.R. No.66 of 2015, the present crime is registered against him.

5. According to the learned Counsel appearing on behalf of the applicants, in the above referred background, custodial interrogation of the applicants is not required. He would then urge that other persons who are named as accused have roped the applicants in the crime in question.

6. Learned Counsel would urge that without inquiring/investigating into the complaint submitted under section 156 (3) of the Code of Criminal Procedure, the police authorities, pursuant to an order dated 4th November, 2015, passed by the Judicial Magistrate First Class, Sangamner, have registered the offence. According to him, the applicants, are, therefore,

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entitled for pre-arrest bail.

7. While opposing the application, learned Addl. Public Prosecutor would urge that the applicants herein, by promising employment in Government Offices, have extracted huge amount from various youths. The learned Addl. Public Prosecutor would urge that upon preliminary investigation carried out by police, there appears to be a strong *prima facie* case against the applicants in relation to their involvement in the crime in question. Thus, he prayed to dismiss the application.

8. Perusal of the first information report depicts that a detailed history and the conduct of the applicants is narrated therein. It appears that the applicants have promised unemployed youth of providing employment in the Railways and have collected huge amount. Apart therefrom, the fact remains that the offence came to be registered pursuant to an order passed under section 156 (3) of the Code of Criminal Procedure by the learned Magistrate, who upon appreciating *prima facie* case, has ordered the investigation in the matter.

9. Apart from above, a conjoint reading of the first information report in C.R. No.67 of 2015 with that of the first information report in C.R. No.66 of 2015 clearly reveals that the applicants have acted in connivance with the accused persons who are named in C.R. No.66 of 2015 and were instrumental in duping un-employed by making false promises of employment with the Railway Department.

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10. The investigation is at preliminary stage. There is a strong case against the applicants. In view thereof, Criminal Application stands rejected.

(N.W. SAMBRE, J.)

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