IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.219 OF 2016

Sujata Maruti Kamble ..Applicant
(Org. Accused)

V/s.

The State of Maharahstra .. Respondent
(Org. Complainant)

Mr.Ramesh Jadhav for the applicant.
Smt.A.T. Javeri, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.
DATE : 04th FEBRUARY 2016.

P.C.

1. The applicant apprehends arrest in CR No.290 of 2015 registered with RAK Marg Police Station, Mumbai under sections 406, 420 of the Indian Penal Code.

2. The present case demonstrates a classical example as to how a gullible litigant can be cheated by deceitful manner. It is the case of the complainant Mr. Manilal Shah that he came in contact with the present applicant through one of his acquittance. The applicant pretended herself to be a Judge of a Court. The applicant was having two cases one Civil and one Criminal which were pending in the Court at Belapur,

Vashi. When the complainant discussed the matter with the applicant, she allegedly examined those documents and informed the complainant that his earlier Advocate has done nothing in his case and complainant will have to engage three other advocates for conducting Criminal Case and three other advocates for conducting Civil case. She also informed the complainant that at the time of the final arguments a counsel will have to be appointed and he will charge separate fees for the same. On 13-04-2014 the complainant informed the applicant that she has appointed separate advocates for conducting Civil and Criminal proceedings and for that an amount of Rs.2,00,000/- has to be paid to the advocates. She also assured the complainant that the said cases will be disposed of within a period of one year from that date. The applicant thereafter sent various messages to the complainant on mobile phone. The applicant also gave names of various advocates. The applicant thereafter intimated the complainant that an amount of Rs.1,20,000/- will have to be paid to the counsel and to pay that amount immediately to her. The applicant went to the workshop of the complainant. She took his signatures on two Vakalatnama's and collected Rs.1,20,000/- in cash from the complainant. Thereafter applicant demanded money from the complainant from time to time and complainant paid a total amount of Rs.3,07,250/- to the applicant including the alleged amount of Court Fee stamps. The complainant has categorically stated that prior to the stipulated dates in Court, the applicant used to inform him on mobile phone. However, she never entered the premises of the Belapur Court and used to sit an Auto Rikshaw outside the Court precincts. On being asked, she informed the complainant that the Advocates to whom she has appointed are conducting the proceedings inside the Court. The complainant asked the applicant why she did not enter in the Court premises to which applicant informed that she being a Judge she cannot enter in the Court rooms. On 18-12-2015 the complainant got suspicion about Advocate Gorwadkar allegedly representing him in Criminal Case No.786 of 2015 as the said Advocate informed the Court that he has no information about the said case. The complainant thereafter contacted the said Advocate Shri.Gorwadkar took information and confronted the applicant outside the Court. The applicant thereafter left the said place immediately. The complainant thereafter took a search from the record of the Court and realized that no Advocate appeared for him till that date and therefore his matter did not progress. When the complainant contacted the applicant on phone, the applicant gave evasive replies and subsequently stop accepting the phone calls of the complainant. The complainant thereafter again took search through the Advocate Smt.Shinde from the Belapure Court and it was realized that no Advocate appeared for him as was informed to the complainant in his cases. The complainant thereafter realized that the applicant pretending herself to be a Judge of the Court has dishonestly accepted the amount of Rs.3,07,250/- and has committed Criminal breach of trust and has also cheated him as contemplated under sections 406 and 420 of Indian Penal Code.

3. The learned counsel for the applicant contended that the amount which was received by the applicant towards payment of Stamp Duty has been returned by her to the complainant on 31-12-2014. He also pointed out that there are two entries as per the bank statement in the name of Advocate

Gorwadkar totaling to Rs.25,000/- and submitted that there was no intention of the applicant to cheat the complainant. He submitted that applicant being a lady, her custodial interrogation is not necessary and she may be granted anticipatory bail.

4. A bare perusal of the First Information Report discloses that applicant pretended herself to be a Judge of a Court and in a systematic manner has committed the act of cheating against the complainant. It is necessary for the investigation Agency to investigate from that angle also as to how many more gullible victims are at the hands of applicant. The amount deceitfully received by the applicant from the complainant in the present crime has to be recovered by the police. The applicant has undoubtedly tarnished the image of Judicial system by pretending herself as a Judge and the profession of Advocacy also. In view of the above I am of the considered view that this is not a fit case to grant pre-arrest bail to the applicant. The application accordingly dismissed.

(A.S. GADKARI, J.)