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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.584 OF 2016

Smt. Seema Kishor Mohitkar	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Vikram Chavan, a/w Ms. Sheetal Thakur, for
the Applicant.
Mr. Deepak Thakarey, ApP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 27th JUNE, 2016.

P.C. :

1. Article 16 of the Constitution of India embodies cherish fundamental right of equality of opportunity in public employment. The question which is posed in the instant application is whether a person who has attempted to sell public employment in lieu of money can be granted anticipatory bail.
2. Applicant accused in Crime No.91 of 2011, for offence punishable under Section 420 read with section 34 of the Indian Penal Code, registered at Manchar Police Station, at the instance of Sandip Dalvi, has prayed for pre-arrest bail, in this application.
3. Brief facts of the prosecution case as reflected from the

papers of investigation are to the effect that accused Sanjay Bankar had collected an amount ranging from minimum of Rs.1.25 lacs and odd per person from several persons in Pune District, as consideration for providing employment to them as clerk or for other posts in Indian Railways. After collecting amounts from several persons, he had handed over the same to present applicant who was to actually provide employment to those persons. The F.I.R. reveals that Sanjay Bankar collected amount of Rs.1.5 lacs from the informant and amount of Rs.1.25 lacs from Shashikant Narayan Ramkar for providing employment to Amit Ramkar. In similar way, moneys were collected from several other persons desirous of getting employment in Indian railway. Papers of investigation go to show that entire amount was handed over to the present applicant Seema Mohitkar, who is reported to be in employment of Railways. Ultimately no employment could be provided to the aspirants from whom amounts were collected. It is seen that present applicant had then given in writing on the stamp paper to the effect that she has collected amount from them for providing employment to the aspirants, in Indian Railways. It appears that in order to show her bonafides, present applicant has deposited an amount of Rs.4.25 lacs in this Court. However, the act alleged against present applicant reflects fraud on Constitution and conscious of the entire society is shaken by such act of selling public

employment. The offence is against the society. No case for anticipatory bail is made out. Hence the application is rejected.

4. Learned counsel for applicant prays that interim order which is operation from 6.4.2016 be extended for a further period of six weeks. As interim was there, same is extended for a period of six weeks from today. The same shall lapse thereafter automatically and the applicant should then surrender before the Investigating Officer.

[A. M. BADAR, J.]