

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.976 OF 2016

MANOJ TIWARI

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Shri Ganesh K. Gole, Advocate for the Applicant.

Shri S.S.Pednekar, APP for the Respondent - State.

CORAM : A. M. BADAR

DATE : 24th JUNE 2016.

P.C. :

1 Applicant / accused in Crime No.168 of 2016 registered with Hinjewadi Police Station, Pune, at the instance of Kishore Garve, for the offence punishable under Sections 420 and 406 of the IPC, by this application is praying for pre-arrest bail.

2 Heard learned counsel for applicant. He argued that applicant is a political lobbyist and informant had hired his services. My attention is drawn to the notice dated 1st March 2016

issued by applicant to informant, so also to the date of RTGS transaction. It was argued that after transfer of money, receipt in the form of invoice dated 12th November 2015 was issued. Even notice dated 1st March 2016 is not replied and thereafter as applicant lodged a report to police on 21st March 2016, FIR came to be lodged against him on 24th March 2016.

3 As against this, learned APP opposed this application by saying that with same modus operandi, applicant had cheated others also.

4 Perusal of FIR goes to show that present applicant has induced informant Kishore Garve to pay an amount of Rs.1 Crore to him for securing public office by managing the political persons and parties. The FIR shows that applicant has informed the informant that he is an active worker of Congress party and has acquaintance with Ministers at Delhi. The FIR reflects text message sent by present applicant to informant which reads thus :

“Delhi Director General – Nehru yuva Kendra sangathan NYKS ministry of sport and youth affairs full protocol all over India red light and gunmen”

According to informant, applicant had offered this position to the informant for a consideration of Rs.1.50 Crore and accordingly, he paid an amount of Rupees One Crore to the present applicant. During investigation, the Investigating Officer has collected print out of this text message sent by applicant. Further messages exchanged between the parties go to show that present applicant was constantly in communication with informant on the pretext of arranging to secure the said public office to the informant for consideration of terms of money.

5 Though, it is case of present applicant that he is a political lobbyist offering his services, *prima facie* it is seen that the services so offered are fraud on Constitution. Public offices are sought to be sold out by present applicant by collecting monies from individuals.

6 During the course of investigation, statement of another person is recorded by Investigating Officer. It shows that present applicant has assured him a political office and induced him to pay amount of more than 2 Crore to him. The office so offered was a seat of Member of Legislative Council from nominations to be made by The Honourable The Governor. For that purpose, some forged documents were tendered to the said person by the present applicant.

7 It appears that this may be the tip of the iceberg and a big political scam involving others can be unearthed if due investigation is made for which custodial interrogation of present applicant is necessary. The offence alleged is very serious shaking the faith and conscious of the society. Hence the order :

Application is rejected.

(A. M. BADAR, J.)