

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1228 OF 2016

Devidas Vithal Shinde. ... Applicant.
Versus
The State of Maharashtra & ors. ... Respondents.

WITH

CRIMINAL BAIL APPLICATION NO. 1229 OF 2016

Devidas Vithal Shinde. ... Applicant.
Versus
The State of Maharashtra & ors. ... Respondents.

WITH

CRIMINAL BAIL APPLICATION NO. 1230 OF 2016

Devidas Vithal Shinde. ... Applicant.
Versus
The State of Maharashtra & ors. ... Respondents.

Mr. G.G. Suryawanshi i/b. Mr. Pravin D. Bagade, advocate for applicant.

Mr. Veerdhawal Kakade, advocate for respondent No. 2.

Ms. Veera Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : SEPTEMBER 26, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 These are applications under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested in January, 2016 in Crime No. 3/12, 4/12 and 5/12 registered at Talegaon Dabhade Police Station in January, 2016 for the offence punishable under Section 406, 409, 420, 467, 468, 471, 34 of the Indian Penal Code and section 3 and 4 of the M.P.I.D. Act.

3 It is the case of the prosecution that the complainant in the respective application filed a complaint before the Judicial Magistrate First Class, Wadgaon, Maval alleging therein that the present applicant was working as an agent of Aryarup Tourism Company. That he had lured the complainant and many such people to invest an amount and take specific packages from Aryarup Tourism Company as that would be beneficial. It is alleged that the applicant

and the persons who had floated the company in the name and style of Aryarup Tourism had cheated the complainant of more than Rs. 11 Lakhs. It is pertinent to note that the persons who had floated the company namely Ravindra Shivaji Deshmukh and others are absconding. Whereabouts of the present applicant were also not known for more than 3 years and he has been arrested in January, 2016. There is sufficient material in the charge-sheet which indicates that the present applicant as an agent of Aryarup Tourism Company cheated many people. The case is also filed before the MPID Special Court.

4 The learned Counsel for the complainant submits that the applicant had taken advantage of the fact that he is working as Havaldar in CRPF and has cheated more than 65 or 70 employees of CRPF. It is in this circumstance, the applicant does not deserve to be enlarged on bail in all the offences.

5 The learned Counsel for the applicant submits that in fact, in
the year 2011 itself, he had filed an application seeking an enquiry
into the business of Aryarup Tourism, which was not considered.

6 The applications being sans merits stand rejected.

7 However, it is made clear that the observations made herein
above are prima facie in nature and are restricted to the application
under section 439 of the Code of Criminal Procedure, 1973. The
learned Sessions Judge shall not be influenced by the same at the
time of trial.

8 The applications are disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)