IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1235 OF 2016

Dinesh Vasant Ahire ... .. Applicant
vs
The State of Maharashtra .. Respondent

Mr.Rameshwar N.Gite for Applicant
Mr.Deepak Thakre Additional Public Prosecutor for State

CORAM: A.M.BADAR, J
DATE: 1ST AUGUST, 2016

P.C.

1. Applicant-accused Dinesh Vasant Ahire in crime No.33 of 2016 for offences punishable under sections 420, 419, 463, 465, 467, 470, 471, 472, 473,475, 170, 177, 182, 211 120-B read with section 34 of the Indian Penal Code and under sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act,1999 and under section 66 (c) (D) of The Information Technology Act, 2002 registered at police station Chhavani Malegaon at the instance of Pravin Dinkar Suryavanshi is praying for bail.

2. Heard learned counsel for the Applicant-accused. He argues that in fact the Applicant is a victim of crime in question. The Applicant got employment from the accused no.1-Bhushan Gamanrao

Shevale and accused no.2-Lalit Purshottam Shevale. Learned counsel further argued that thereafter the applicant in order to oblige his relatives and friends acted as an Intervenor.

3. As against this, the learned APP opposed the application by submitting that the Applicant is a part of conspiracy and he has also collected monies from persons interested in securing employment. The learned APP submitted that the property acquired by the Applicant from the proceeds of this crime is seized by the Investigator. Several statement of witnesses go to show that the Applicant had played an active role in the crime in question.

4. Perused charge sheet. According to the prosecution case, accused no.1-Bhushan Gamanrao Shevale and accused no.2-Lalit Purshottam Shevale had opened an office having synonymous name with the Department of Government. They both opened an office named 'PWD Web Management Department' near State Bank of Malegaon. Thereafter, both these accused had allured several unemployed youth to pay amounts ranging from Rs.2,00,000/- to Rs.17,00,000/- for providing employment on the posts of Junior clerk, Driver, Agriculture Officer, Accountant, Peon, Security Guards

etc. According to prosecution, the present Applicant-Dinesh Vasant Ahire and co-accused-Shekhar Vithal Bagul assisted the main accused persons in issuing appointment orders to several victims of the crime in question. It is further alleged that signature of the then Principal Secretary to Public Works Department namely Shyamal Kumar Mukherjee was forged by accused persons while issuing appointment orders to several victims of crime in question. In this manner, accused persons had collected an amount of Rs.17 crores from young persons desirous of seeking public employment.

5. Perusal of the charge sheet goes to show that accused-Shevale Brothers are kingpins in this crime. They allured several young persons to pay hefty amounts to them for providing employment in Public Works Department of the State Government. So far as the present Applicant is concerned, statement of witnesses annexed to the charge sheet goes to show that the present Applicant was asked by his friends and relatives to secure employment and the present Applicant collected amounts for providing employment to such needy persons. It is seen from the charge sheet that the present Applicant was also employed by the accused-Shevale Brothers and after coming to know about this fact, his friends and relatives used

his acquaintance for getting employment. It is seen from house search of the present Applicant, some agreements executed in his favour by accused-Bhushan Gamanrao Shevale came to be seized. Those agreements shows that Bhushan Gamanrao Shevale had agreed to refund the amount to the present Applicant. Learned counsel for the Applicant argued that in fact Bhushan Gamanrao Shevale has agreed to refund the amount paid by him as well as his relatives for providing employment. In the context of the statement of witnesses, much force is found in such an argument.

6. Considering the fact that present Applicant appears to be one of the employee engaged by accused-Bhushan Gamanrao Shevale and Lalit Purshottam Shevale, his pre-trial detention is not warranted. He himself appears to be a victim of the scam. Hence the following order :

<u>O R D E R</u>

7. Application is allowed.

(i) The Applicant/accused in above crime No.33 of 2016 for the offences punishable under sections 420, 419,463, 465, 467.470, 471,472,473,170,177,182, 211, 120-B of the

Indian penal Code and under section 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment Act, 1999 and under section 66 (c) (D) of The Information Technology Act, 2002 be released on bail on his executing P.R.bond in the sum of Rs.50,000/- with Chhavani Malegaon police station with one or two surety in the like amount.

(ii) The Applicant-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts either to the Court or to any police Officer and that he shall not tamper with the evidence;

(iii) The Applicant/accused shall co-operate for expeditious disposal of the trial;

(iv) The Applicant/accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;

(A.M.BADAR,J)