

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

ANTICIPATORY BAIL APPLICATION NO. 1067 OF 2016

Shri Vishwas Maruti Patil ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Kuldeep S. Patil, Advocate for the Applicant.

Mr. Deepak Thakery, A.P.P. for the Respondent- State.

CORAM : A. M. BADAR, J.

DATE : 01st JULY, 2016

P.C. :

1 The applicant/accused in Crime No. 93 of 2015 for the offences punishable under sections 420, 465, 456, 468, 471 r/w. 34 of the Indian Penal Code, registered with Phaltan City Police Station, Dist. Satara, by this application under section 438 of the Criminal Procedure Code, is praying for pre-arrest bail.

2 Heard the learned counsel appearing for the Applicant/accused. By taking me through the entire text of the FIR lodged by informant-Chetan Shivajirao Kamble, the learned counsel for the applicant argued that there was no initial representation at the instance of the present applicant.

The FIR shows that subsequently the present applicant just accompanied the main accused persons. Therefore, his custodial interrogation, in submission of the learned counsel for the applicant, is not warranted.

3 I have also heard the learned APP for the State who argued that apart from three persons named in the FIR, the applicant and the co-accused have also cheated one Farukh Shaikh. Learned APP further argued that false documents were created by showing that public employment is provided to the persons named in the FIR by the present applicant as well as co-accused. Perused the papers of investigation including the FIR. The FIR lodged by Chetan Kamble shows that initially one Vinchhu had introduced informant-Chetan with co-accused - Sachin and Hemant and informed that co-accused Sachin is nephew of Shri Jayant Patil, the then Cabinet Minister, having charge of Revenue and Public Works Department. Informant-Chetan was assured that they are in position to provide employment in the State Government for consideration of Rs. 6 lakhs per person. The FIR shows that acting on the inducement of co-accused Sachin and Hemant, amount of Rs. 18 lakhs was collected for seeking employment for Sandip Kamble, Akshay Bhadvalkar and Deepak Surve. FIR as well as the statement of witnesses reveal that thereafter, the present applicant and co-accused - Sachin and Hemant came to village Kolki and met informant - Chetan at his office. The present

applicant as well as co-accused then checked papers of the three aspirants of public employment and then accepted an amount of Rs. 18 lakhs for providing job to them. Then the present applicant alongwith the co-accused handed over three letters of appointment to three victims, showing their appointments as “Talathi” and “Clerk”. The appointment letters handed over to the victims bear forged signatures of Shri Swadhin Kshatriya, the Chief Secretary to the State of Maharashtra. During the course of investigation, all three forged letters of appointments are seized. The investigator also found that the persons named – Farukh Shaikh is also cheated by the present applicant and co-accused by accepting Rs. Two lakhs from him. The forged letter allegedly signed by Shir Swadhin Kshatriya, the Secretary to the State of Maharashtra showing appointment of Farukh Shaikh, as clerk is also handed over to the said victim. The same is also seized. All victims named in the FIR are categorically stating the role of the present applicant in cheating them as well as in handing over forged letters of appointment in service of the State Government. The FIR also shows that the present applicant subsequently assured the victims that after selling out the land, the amount collected from the victims shall be refunded/returned to them.

4 From the papers of the investigation, it is clear that the present applicant has played active role and cheated the

educated youths who are waiting for getting public employment. The offence lodged is serious and victims are unemployed youth. Considering the seriousness of the offence, no case for pre-arrest bail.

5 In the result, the anticipatory bail application is rejected.

(A. M. BADAR, J.)

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