

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

CRIMINAL BAIL APPLICATION NO.1261 OF 2016

Vishal Dattatraya Shinde.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Priyal G. Sarda, advocate for Applicant.

Ms. Veera Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : SEPTEMBER 21, 2016**

P.C.:

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

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 21/10/2015 in Crime No. 313 of 2015 registered at Chatushrungi Police Station on 14/9/2015 for the offence punishable under Section 420, 406 read

with section 34 of the Indian Penal Code. Investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that on 14/9/2015 Chaya Kalbhor lodged a report at the police station that her past tenant Smt. Ratan Rathod had introduced her to Vishal Shinde i.e. the present applicant. She had met him. He had introduced her to Parmeshwar Din Pal as public servant working as Class I Forest Officer in ARDO. It is alleged that Mr. Pal had informed the complainant that he could give jobs to the unemployed. It was also informed that there is backlog of 20 years in DRDO. It was also informed that he happens to be the member of the committee for selection. That she has to give Rs. 4 Lakhs as token for non-technical post and Rs. 4.50 lakhs as token for technical post. He had explained the complainant the procedure for being selected and thereafter, within 45 days, one would be able to secure a job. She had paid the said amount. She had then informed her relatives also that they could secure job through Vishal Shinde and Pal by paying Rs. 4 Lakhs or 4.5 Lakhs. In this way, she had given Rs. 82 Lakhs to Mr. Pal

in front of Vishal Shinde. They have subsequently realised that they have been cheated. The complainant had given the cheques in the name of the wife of Mr. Pal i.e. Shashi Pal. She was then constrained to lodge FIR against the applicant as the people had started demanding the amount back from her.

4 The papers of investigation would reveal that the applicant was running a racket with Mr. Pal. The complainant was introduced to Mr. Pal by the applicant. Crime No. 351 of 2014 is also registered against the applicant and Mr. Pal for similar offence. The statement of the witnesses would indicate that the amount was paid to the applicant in cash for giving the same to Mr. Pal.

5 The learned APP has placed on record the account ledger of Mrs. Shashi Pal which would show that an amount of Rs. 1,50,000/- was transferred in the name of the present applicant. This transaction by itself would establish the nexus between the applicant and Mr. Pal. It is clear that unemployed candidates were searched by the applicant

and caused to shell the amount under the garb of giving employment. It is clear that the case of cheating is made out. The application being sans merits stands rejected.

6 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.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)