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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1110 OF 2016

Jaywant Sampatrao Pawar	..Applicant.
V/s.	
State of Maharashtra	..Respondent.
Mr.Dinesh C. Patankar for the applicant.	
Mrs.R.M.Gadhvi, APP for respondent-State.	

CORAM : A.M.BADAR, J.

DATED : 4TH JULY, 2016

P.C. :-

1. The applicant / accused in Crime No.377/2016 for the offence punishable under section 420 of the Indian Penal Code registered with Satara City Police Station, Satara by this application is praying for pre-arrest bail.
2. Heard the learned counsel for the applicant and perused the F.I.R.
3. According to the learned counsel for the applicant, the informant is a money lender and the applicant had taken a

loan from him. By pointing out to page 22 of the application, the learned counsel for the applicant has pointed out that the payment slip showing refund of amount by the applicant to the informant. In this backdrop, according to the learned counsel for the applicant, the F.I.R. came to be lodged falsely implicating the applicant / accused.

4. Perused the F.I.R. In his F.I.R., informant Khanderao Yadav Gaikwad has categorically stated that in the year 2012 he came in contact with the applicant and at that time, the present applicant has informed him that he is maternal uncle of the Chief Minister of the State and he is in a position to provide employment in the Regional Transport Office. With this dishonest inducement, according to the informant, the present applicant had extracted an amount of Rs.10 lakhs from him for providing employment to his sons as well as nephews. The informant further averred that as the applicant could not fulfill the promise or assurance of providing any employment to sons and nephews of the informant, the informant time and again approached him. Ultimately, the applicant has refunded an amount of Rs.1.75 lakhs and assured to repay the balance amount of Rs.8.25 lakhs. The F.I.R. shows that as the

said amount is not refunded, the informant was constrained to approach the police.

5. At the pre-trial stage, veracity of the F.I.R. cannot be adjudicated. The contents of the F.I.R. reveals that public employment is sought to be sold out by the applicant by dishonestly inducing the informant to part with a sum of Rs.10 lakhs. The so called money lending business and payment made in pursuance to some financial transactions is the defence of the present applicant which needs to be adjudicated at the trial. This Court is noticing day in and day out several such instances of cheating where public employment is sought to be sold out at exorbitant sum of money. This is nothing but a fraud on the Constitution. The offence alleged is serious affecting societal interest. No case for anticipatory bail is made out. The application is rejected.

(A.M.BADAR, J.)