

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1140 OF 2016

Navalkishore Annasaheb Shinde ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Kuldeep S. Patil with Mr.Yashpal Purohit and Ms.Sneha G. Sanap for the applicant.

Mr.Deepak Thakery, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 22ND JULY, 2016

P.C. :-

1. The applicant / accused in Crime No.130/2016 for the offence punishable under section 420 read with 34 of the Indian Penal Code registered with the Bundgarden Police Station, Pune by this application is praying for pre-arrest bail.

2. Heard the learned counsel for the applicant. By taking me through the F.I.R. lodged by Shaina Murtuza Patel, the learned counsel argued that the informant is a young lady of 26 years of age. She was well aware that there is prohibition for payment of capitation fees for securing

admission to Post Graduate medical course. The learned counsel argued that knowing fully well that such course of action is prohibited by law, the informant is still alleged to have paid an amount of Rs.90 lakhs for securing admission to the M.D. Course for medicine. The informant as such is a wrong doer. Money involved is unaccounted money which is sought to be recovered at the instance of the applicant.

3. The learned APP opposed the application by contending that the version of the informant is gaining corroboration from statements of witnesses. It is reported that the investigation is pending because the father of the informant so also witness named Rameshbhai are at Dubai.

4. Perused the F.I.R. Informant Shaina Murtuza Patel has completed her graduation in M.B.B.S. in the year 2013 and she was aspiring for admission to M.D. Course. She averred that from her colleague Dr.Aditya Deshmukh, she came to know that admission for M.D. Course could be secured with the help of applicant Navalkishore Shinde and one Unmesh Nilfavar. This according to the informant happened in presence of Dr. Ananda Vardhan.

5. The F.I.R. shows that in the year 2013, parents of the informant met the present applicant, who assured admission to the M.D. course from the management quota on payment of Rs.90 lakhs. In the F.I.R., it is averred that from time to time, the parents of the informant paid Rs.90 lakhs to the present applicant. Out of this Rs.90 lakhs, an amount of Rs.45 lakhs is stated to have been paid by Rameshbhai Mahendpara through Angadiya. According to the prosecution case, ultimately on 18th May, 2014 co-accused Unmesh informed that it is not possible to secure admission in that year and that the informant will have to wait. Thereafter, father of the informant informed that the informant is not desirous of seeking admission and that the applicant should refund the money. It is averred that the present applicant from time to time refunded an amount of Rs.38 lakhs but rest of the amount is not refunded.

6. During the course of investigation, statement of Dr. Anand Vardan Sajjankumar Singh is recorded by the Investigating Officer. Dr. Anand Vardan is corroborating the version of the informant.

7. The offence alleged is serious. The investigation is in progress and statements of witnesses are to be recorded. Considering the nature of offence, no case for anticipatory bail is made out. The application is rejected.

(A.M.BADAR, J.)