

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

ANTICIPATORY BAIL APPLICATION NO.1288 OF 2015

Gaurav Raosaheb Mulak

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Sachin Gite for the Applicant.

Ms Veera Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 13th JANUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicant in apprehension of his arrest in Crime No.I-73 of 2014 registered at Vani Police Station, District-Nashik, for the offences punishable under sections 467, 468, 471 and 420 r/w. 34 of the IPC. The investigation of the said crime was subsequently transferred to Economic Offences Wing (EOW) and the case is being investigated by the EOW under the same crime number.

2. The case of the prosecution in brief is that an advertisement was published for appointment of health supervisor in Jawahar Gramin Arogya Kendra, Dindori, District-Nashik. The complainant Prakash

Magode had applied for the said post. One Vishnupant Uttam Suryawanshi and two others took his interview and he was informed that he would be paid Rs.3,500/- as honorarium and would be informed about the selection on phone.

3. The complainant had alleged that the Applicant herein had called him on his cellphone and told him that he was selected and asked him to report for his duty. The complainant was also informed that he is required to pay Rs.70,000/- for the said post. When the complainant expressed his inability to pay Rs.70,000/-, the Applicant told him to pay whatever amount he could afford. Accordingly the complainant collected money from his relatives and friends and handed over to the Applicant a sum of Rs.64,000/- on 25.5.2010. Subsequently, the Applicant herein gave him an appointment letter and told him to report for duty on 15.6.2010.

4. The complainant had stated that he had worked for a period of two and half years in the said health institution, however, he was not paid any salary. The complainant had raised his grievance with Vishnupat Suryawanshi, the co-accused but he was told from time to time that the Institution had not received grants from the

Government. Subsequently, the said institution was closed down. The Applicant and Vishnupant Suryawanshi neither paid money nor gave satisfactory replies. Hence, they demanded return of the money paid to them for securing the said job. Said Vishnupant informed them that he would send them a cheque and accordingly on 5.1.2013 he issued a cheque of Rs.2,63,000/-. The said cheque was dishonoured. The complainant therefore, lodged the FIR, pursuant to which the aforestated crime has been registered.

5. The averments made in the complaint prima facie indicate that the Applicant herein was involved in inducing the complainant in paying an amount of Rs.64,000/- for securing the said job. The FIR also discloses names of twenty one persons from whom the Applicant and the co-accused had taken money for procuring jobs. The FIR reveals that the complainant and other employees were cheated to the tune of Rs.16,83,000/-. Thus, the material on record prima facie reveals that the Applicant and the other co-accused had induced several persons in paying the amount. The records reveal that in addition to the names disclosed in the FIR many other such employees have been cheated to the tune of more than Rs.40 lakhs and the offence is being investigated. The nature of the allegations levelled

against the Applicant would require custodial interrogation and as such the Applicant is not entitled for bail.

6. Under the circumstances, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)