

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1557 OF 2016

Shri Anil Shinde	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Victor Chettiar, Advocate for the applicant.

Mr. Prashant Jadhav, APP, for the State.

Mr. B.K. Muthe, PSI, Sahakar Nagar Police Station, Pune, present.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 7th September, 2016.

P.C.

1. Heard. This is an application under Section 438 of Cr.P.C.

2. The applicant herein is apprehending his arrest in Crime No.244 of 2016 registered at Sahakarnagar Police Station on 13.8.2016 for the offences punishable under Sections 420, 506 read with Section 34 of IPC. Perused the papers of investigation.

3. It is the case of the prosecution that on 13.8.2016, the complainant Kisan Shinde lodged a report at the police station. That on 15.12.2013, when he was working in his office, Mahesh Vishnu Pancharas, Vishnu Pancharas and Vivek Pancharas had approached him and had

informed him that the present applicant i.e. Anil Shinde would give employment in Police Department to many unemployed persons even without them appearing for the examination and as per the orders of the then Home Minister Shri R.R.Patil, he would give them appointment orders. They had also informed him that they had given such employment to many people with the aid of Anil Shinde. That they had demanded an amount of Rs.1,50,000/- for employment in advance and Rs.2,50,000/- after giving appointment letters. On 17.12.2013, the complainant had taken 10 boys to Mahesh pancharas and they had assured him of the employment. That the complainant kept on enquiring with Mahesh pancharas about the progress of the work and there was no reply. Thereafter, they were issued cheques since the boys could not give cash amount. That after some days, accused had shown a list of selected candidates. That other accused persons had telephonic conversation with the present applicant who had claimed that the present applicant happens to be a P.A. to one of the sitting Member i.e. Shri Valse Patil. After one month also they had not received any message and upon enquiry, they had learnt that no such employment was given and hence they approached the police station and lodged the report. The complainant was specifically informed by the principal accused that the work would be done through the present applicant, who happens to

be in close contact with Shri R.R.Patil and Shri Valse Patil. It is a matter of record that the present applicant was not a P.A. to either any one of them.

4. The learned counsel for the applicant submits that no specific role is attributed to the present applicant in the first information report and the first information report is based on hearsay evidence of the principal accused. According to the learned counsel, the applicant happens to be an agriculturist. It is further contended that since the principal accused and the applicant are residents of the same village, they knew each other. It is further submitted that on 15.11.2011, Mahesh pancharas had issued a cheque of Rs.2 lakhs to the applicant. The said cheque was dishonoured. Thereafter, on 5.9.2013, Mahesh Pancharas had issued another cheque for an amount of Rs.3 lakhs and on 16.9.2013, he had issued another cheque of an amount of Rs.3 lakhs. The learned counsel for the applicant submits that all the three cheques were dishonoured. However, no complaint is filed under Section13 of the Negotiable Instruments Act against the original accused No.1. The papers of investigation would indicate that in the course of investigation, the Investigating Officer had recorded the statements of the victims. There is no plausible explanation of the transaction for which the cheques were issued.

5. The learned APP submits that Daulat Bhor was called by the police in the course of investigation for the purpose of enquiry. In the course of enquiry, he had disclosed that he had given an amount of Rs.5 lakhs to the present applicant. He has specifically submitted that he is an associate of the present applicant and they had asked Mahesh Pancharas as to whether he could get jobs for some unemployed persons and that in fact they had approached the complainant Kisan Shinde and thereafter they had taken money from few people under the garb of giving employment. It is specifically stated that the present applicant had forged the appointment letter in the name of the then Hon'ble Home Minister Shri R.R.Patil and had given it to Mahesh Pancharas, which was thereafter circulated and the said letter was given to Kisan Shinde. The complainant has also alleged in the first information report that the letter was given to him by Mahesh Pancharas and that the letter was forged by Anil Shinde. The statements of some victims are also recorded which clearly indicate the role of the present applicant. Prima facie, it appears that it was a racket run by the original accused – Dilip Bhor and the present applicant. That the entire racket was run in the name of the present applicant. This would not be a fit case for grant of pre-arrest bail as young unemployed boys are being lured by

people like the present applicant. It is also matter of record that the appointment letter was forged by the present applicant. People like the present applicant take advantage of the unemployment and the victims fall in a vicious trap. The original accused Nos. 1 to 4 are in custody. In the given circumstances, the applicant does not deserve the discretionary relief under Section 438 of Cr.P.C.

6. The observations made hereinabove are prima facie in nature and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

The Application stands rejected.

(SMT.SADHANA S.JADHAV, J.)