

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1957 OF 2015

Sandeep Prakash Nikam & Anr.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Surel Shah, Adv. for the applicants.
Mrs. G.P. Mulekar, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 12th January, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in Crime No.250 of 2015 registered at MIDC Police Station, Solapur for offences punishable under Sections 420, 406, 467, 468 471 r/w. 34 of the IPC.

2. The allegations against the applicants are that they had set up fake training centres and had duped several unemployed youths for lakhs of rupees on the false promise that they would impart training and then recruit them in railway and police department.

3. Mr. Shah, the learned counsel for the applicant has submitted that the applicants were only running a training institute

wherein they were imparting training to the candidates for answering competitive examination. He has submitted that the amount received by the applicants was towards fees for the said training and other charges towards residential accommodation, boarding, etc. The learned counsel for the applicant has further submitted that the applicants have not deceived the complainant or any other person and that they are not involved in issuing fake ID cards.

4. Mrs. Mulekar, the learned APP for the State has submitted that since the time of registration of the said crime, 9 other candidates have reported that they have been deceived to the tune of Rs.34.50 lacs. She has further submitted that two other crimes have been registered against the applicants at Naldurga and Umbargaon, Dist. Osmanabad for similar offences. She has submitted that, it is a deep rooted conspiracy which requires a thorough investigation.

5. I have perused the records and considered the submissions advanced by the learned counsels of the respective parties. The FIR lodged by Vinod Rathod indicates that in the year 2013 he was in search of job. He has stated that the applicants herein were running a training centre by name 'Sahyadri Academy' at Haatkanagale,

Kolhapur, which was allegedly imparting training for competitive examination in railway and police department. He had undergone three months training in the said institution. He had stated that in the course of the training the applicants had assured him that he would be recruited as a ticket collector (TC) and had induced him to pay sum of Rs.10 lacs. He has stated that he was unable to pay Rs.10 lacs and subsequently assured to pay an amount of Rs.9 lacs, out of which Rs.5.50 lacs was transferred by his maternal uncle directly in the account of applicant No.1 and the balance amount of Rs.3.50 lacs was paid to the applicants in cash.

6. The first informant / complainant has further stated that the applicants and the other co-accused had told him and some other candidates to proceed to Delhi. Accordingly they went to Delhi and met a person by name Vicky Chatterji. Said Vicky gave them a form for the post of TC in railways and handover appointment orders signed and stamped in the name of Senior Personnel Officer (M & D) Chief Personnel Officer, East railway, Kolkata, appointing them in East Railway, Group – C as permanent staff. Thereafter said Chatterji submitted their forms and took them for medical examination at Central Hospital, New Delhi and later they were directed to proceed

to Bhuvneshwar where they stayed for two and half months. One Purshottam Singh contacted them and thereafter he took them to Delhi after staying in Delhi for 8 to 10 days, they were taken to Kharagpur for training. The FIR further reveals that one V.T. Reddy had given them joining letter which was submitted on the next day to P.K. Singh. After about 8 days the complainant received the identity card of Railway Division, South East Railway, Kharagpur. During this period one Arvind Jirange, the nephew of Kiran Chougule handed over cash of Rs.6.50,000/- to one P.K. Singh who had issued a receipt dated 28th August, 2014 which was executed before the notary Shri Dinesh N. Sing, Jamshedpur. While he along with the other trainees were travelling from Baleshwar to Kharagpur, one RPF personnel asked for his ticket and when he showed T.C. identify card the said RPF personnel got suspicion and produced him before DRM, Kharagpur. Said DRM declared that said identity card was bogus and asked him to lodge the complaint. It was only then that he realized that he was cheated by the applicants and the others.

7. The material on record prima facei indicates that the applicants are involved in a racket of duping several unemployed youths for lakhs of rupees under a garb of running a training institute

and promising to recruit them in railway and police department. The activity of the said recruitment racket is not only restricted to the State of Maharashtra but it is a wide spread organised racket operating through network in several states. The applicants are not only involved in cheating the complainant but has cheated several other unsuspecting youngsters in search of jobs. The investigation so far conducted reveals that the said job aspirants have been cheated to the tune of Rs.34.50 lacs. Further two more similar offences have been registered against the applicants for similar offence. The offence is of serious nature. The investigating agency is certainly expected to go to the root of the conspiracy and nab the other culprits within and beyond the State. The in depth investigation would certainly justify custodial interrogation.

8. Under the facts and circumstances, in my considered view, the applicant is not entitled for bail and hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)