

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1634 OF 2017

Mahadeo Ramchandra Deshmukh .. Applicant
Age. 58 years, Occ. Academician,
R/o. Mayni, Tq. Khatav,
Dist. Satara.

Versus

The State of Maharashtra .. Respondent

Mr.Nitin Pradhan i/b. Mr. Abhaysinh K. Bhosale with Mr.
Dilip Bodakhe, Advocate for the applicant.
Mr.A.R. Borulkar, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.
DATED : 07.04.2017

P.C. :-

1. This application is filed for bail. Both sides are heard.

2. The crime is registered on the basis of report given by one Badrinath Rathod from Aurangabad. He wanted to take admission for his son for M.B.B.S. Course. His son could not crack the NEET examination, so it was not possible for his son to get admission on the basis of said procedure and by paying fees fixed for that course. The allegations are made that one Vijay Nalawade started contacting the complainant and he started informing that he was having control over at-least two M.B.B.S. colleges

and he can see that his son is admitted for M.B.B.S. course for one of the two colleges. Said Nalawade taken him to a college from Chhattisgarh and by making false representation had collected an amount more than Rs.20 lakh from him. When it became clear that Nalawade was not in a position to give admission in the college of Chhattisgarh, he advised the complainant to approach an institution which was under control of present applicant, who is Chairman of the institution. One Dr. Ranade was to be contacted and as per instructions given by Nalawade, the complainant contacted Ranade and it is Ranade, who extracted money from him under the pretext that admission was to be given to the son of the complainant.

3. Thus, the complainant parted with an amount of more than Rs.30 lakh and he was required to spend an amount more than Rs.3 lakhs for conveyance and other things. Even after making payment of these amounts, the applicant could not give admission to the son of the complainant. His institution had accepted an amount of Rs. 6.35 lakh by demand draft and it was encashed. When the complainant realized that he was deceived, he gave report to Cidco Police Station, Aurangabad and crime for the offence punishable under sections 420, 406, 467, 468, 471, 506 & 120-B of the Indian Penal Code came to be registered.

4. Present applicant came to be arrested on 08.03.2017. The papers of investigation show that some amount was returned by Nalawade, who is still in jail and Ranade is still absconding.

5. Learned Counsel for the applicant submitted that more than an amount of Rs.33 lakhs is already recovered during investigation and the applicant is behind the bar for sufficient length of time. The learned Counsel for the applicant submits that it is not certain as to for how much time the case will remain pending and hence the bail needs to be granted to the applicant.

6. To ascertain as to whether the medical college was functioning, this Court directed the learned Counsel for the applicant to produce some record. This Court has serious doubt about functioning of the medical college and the record of permission. In any case, it can be said that the present applicant was collecting money with hope that his institution will get necessary renewal of permission, which was granted in the past and he had accepted the money.

7. Only due to probability that in the past necessary processing was done for starting of medical

college, this Court holds that bail can be granted to the applicant. It can be said that Nalwade, who was Director of institution, was virtually acting as an Agent for collecting money. Such instances are increasing day by day. The papers of investigation, however, do not show that there are more allegations against present applicant. There is no possibility of absconding the present applicant. To make him realize that he cannot grab money of a poor person, some condition can be put on him and subject to that condition, bail can be granted.

(i) In the result, the application is allowed.

(ii) The applicant be released on bail in connection with Crime No.176 of 2017 registered at Cidco Police Station, Aurangabad for the offences punishable under sections 420, 406, 467, 468, 471, 506, 120 (B) of the Indian Penal Code, after depositing an amount of Rs.10,00,000/- (Rupees Ten Lakhs) by him as cash security in addition to giving PB & SB of Rs.5,00,000/- (Rupees Five Lakhs) with one or more solvent surety in like amount. The amount of Rs.10 lakhs may be deposited in the concerned Court by the mode permissible in law, like Demand Draft etc.

(iii) The applicant is not to tamper with the

prosecution witness. He is to produce passport, if he is having, in the concerned police station. He is not to leave the country without taking prior permission of the Sessions Court, Aurangabad.

(iv) The documents produced on record like copies of letter of permission granted by the Medical Council and copies of correspondence made by the concerned department of the Central Government shall be part of this proceeding.

[T.V. NALAWADE, J.]