

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

CRIMINAL BAIL APPLICATION NO. 138 OF 2017

Bhikaji Atmaram Jangam. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Kartik Garg i/b. Ms. Anuradha Pardeshi, advocate for Applicant.

Mr. Veera Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : MARCH 3, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 14/7/2016 in Crime No. 179 of 2016 registered at Bhayandar Police Station. Investigation is completed and charge-sheet is filed against

the present applicant for offence punishable under section 420, 465, 468, 471, 419, 170 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that one Sudesh Gavai working as Professor in Huzaifa Junior College, Vasai (E) lodged a report at the police station alleging therein that in November, 2014 he had been to meet one Mr. Manik Gore, who was working as an extension officer in Mantralaya. There he was introduced to the present applicant and one Chandrakant Gopal Shinde. It is alleged that the present applicant had given offer that there are some colleges having vacancy of teachers and that needy and qualified people fulfilling requisites can be appointed. The applicant had allegedly demanded Rs. 7 Lakhs for giving the said job and Rs. 2 Lakhs were to be paid as an advance. It appears from the recitals of the FIR that several people had been cheated. That Chandrakant Shinde and the present applicant had also given appointment letters to some of the needy candidates. It further appears that Mrunali Patil, Prajakta More, Vandana Sirvel, Mugdha Mhatre had also given money to the present

applicant and Chandrakant Shinde. Thereafter, Chandrakant Shinde had also spread a word that there are vacancies in Mira-Bhayandar Municipal Corporation and assured job on payment of an advance of Rs. 50,000/-. The present applicant had also spread a word that there are vacancies in Mumbai Metro Corporation on the post of clerk. Some people had accepted the offers and had paid Rs. One Lakh each. It appears that the modus operandi of Chandrakant Shinde and Bhikaji Jangam i.e. the present applicant was to lure the vulnerable people, assure them of job, take money and cheat them.

4 It is pertinent to note that in the course of investigation, it had transpired that the present applicant was not working in Mantralaya although he was introduced as an officer working in Mantralaya. It is further pertinent to note that Manik Gore was absconding since the date of filing of FIR.

5 The learned Counsel for the applicant vehemently submits that in fact, credibilities of the first informant are also not reliable as the

first informant had also informed certain people. It is submitted that all 23 victims have been introduced to Chandrakant Shinde and the present applicant by the first informant. It appears that the investigating agency has not examined the case from that angle and has also not ascertained as to whether the first informant could be equally liable for cheating the victims.

6 Be that as it may, taking into consideration the statement of seven victims, who have been cheated, gravity of the offence and the fact that young people had been cheated on the ground of assurance of a job, the applicant does not deserve to be enlarged on bail.

7 The learned Counsel for the applicant submits that the applicant is a senior citizen suffering from old age ailments and therefore, the case should be considered sympathetically. The said submission cannot be considered in view of the incriminating material collected against the applicant in the course of investigation. However, the learned Magistrate seized with the matter shall make every endeavour

to expedite the trial and conclude the recording of evidence as far as possible within 9 months from framing of charge.

8 The above observations are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration at the time of trial.

9 The application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)