

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 193 OF 2013

Ashok Bhopalsingh Purohit ... Applicant
Vs.
1. The State of Maharashtra
2. Laddu Gopal Chaturbhuj Sharma
3. Kirti Laddugopal Sharma
4. Aditya Sharma
5. Hithvallabh Sharma ... Respondents

CRIMINAL APPLICATION No. 78 OF 2014

The State of Maharashtra ... Applicant
Vs.
1. Laddu Gopal Chaturbhuj Sharma
2. Kirti Laddugopal Sharma
3. Aditya Sharma
4. Hithvallabh Sharma ... Respondents

Mr. Kiran Jain a/w. Ms. Neeta Solanki, Advocate for the Applicant in Appln. 193/2013.

Mrs. Rutuja Ambekar, APP for the applicant/State in Appln. 78/2014 and respondent no. 1 in Appln.193/2013.

Mr. Tushar Sonawane, Advocate for respondent nos. 2 to 5 in Appln. 193/2013.

Mr. P.S. Gautam, Advocate for respondent no. 4 in Appln. 78/2014.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 23rd February, 2017.

P.C.:

These Applications are moved for cancellation of pre-arrest bail, which was granted to the respondents/accused by order dated 14th March, 2013 in Anticipatory Bail Application No. 1018 of 2012.

2. The learned counsel Mr. Jain appearing for the applicant/accused has strongly argued that the respondents/accused have played fraud on the public at large especially the complainant and other persons in the name of God. It is submitted that the respondent/accused Laddu Gopal Sharma has committed offence of cheating and misappropriation of amount by representing himself as Dharam Guru along with other respondents/accused and has collected huge amounts from the complainant and other persons. He has promised he would form a public trust and construct a temple, however, he did not form a public trust but he has used that money for himself and he has also kept the ornaments in his possession. The learned counsel has further submitted that respondent no. 5 is suspended from the service, as he has committed fraud and cheating. He further submitted that respondent/accused Laddu Gopal Sharma is to be taken in custody as he is a threat to the Society. He further submitted that the order passed by the learned trial Judge is perverse and it is devoid of application of mind.

3. Learned APP and learned counsel appearing for respondents/accused has submitted that the respondents/accused have not committed breach of any conditions of the pre-arrest bail.

The charge sheet is filed in this case on 15th February, 2017 in the Court of Judicial Magistrate First Class against four accused.

4. Heard the submissions of the learned counsel for both the sides. I have considered the facts of the case. *Prima facie* it appears that the amounts were given by the complainant and witnesses to respondent/accused Laddu Gopal, as they believed that he has a divine quality. Thus, the respondent/accused Laddu Gopal has apparently deceived the complainant and other witnesses and made them to believe that he has divine power. However, the learned Judge in its impugned order has dealt with this aspect but have also considered that the complainant and respondent/accused were together earlier and subsequently respondent/accused Aditya lodged a complaint against the complainant. I am of the view that in this case, custodial interrogation of the respondent/accused Laddugopal at this stage is not required, as charge sheet is filed. Hence, both the Applications stand dismissed.

(MRIDULA BHATKAR, J.)