

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 437 OF 2017

Smt. Anita Devanand Bhise ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Priyal G. Sarda, Advocate for the Applicant.
Mr. Rajan Salvi, APP for Respondent – State.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 10th March, 2017.

P.C.:

This Application is moved for anticipatory bail under section 438 of Cr. P.C. The applicant-accused is apprehending arrest in C.R. No. 645 of 2016 registered with Baramati City Police Station, District Pune for the offences punishable under sections 420, 468, 473 of the Indian Penal Code. One Santosh Dharmaji Sakate has given the information to the police on 25th October, 2016.

2. In nutshell, the case of the prosecution is that the complainant was introduced to the applicant/accused when she was working in a Revenue Department as an officer and she assured that she could give job in Revenue Department if she is paid. The complainant gave her Rs.3,00,000/- cash and the applicant/accused took the interview of

complainant's wife in one room which was adjacent to the Collector's office. On 29th January, 2016 she received a letter on which the round seal of Collector, Pune and his signature was seen. On 1st April, 2016 the complainant's wife received the appointment letter with signature of the Collector, Pune. Thereafter she started working in Tahsil office from 19th May, 2016. The applicant/accused showed one table and asked her to sit and do numbering and put stamps and seals. Thus, she was working till 6th June, 2016, i.e., nearly for 20 days and then one person by name Chopde working in that office told her not to attend the office. They enquired about it to the applicant/accused and at that time, applicant/accused gave evasive answers and then the complainant and his wife realized that it was a bogus appointment. It is the case of the complainant that as his wife got job in Government office, nearly 18 to 20 people believed that they could get a Government service by paying bribe and they paid nearly 57 lakhs to the applicant/accused Anita Bhise by using the same modus operandi and thus, they all are cheated by the applicant/accused.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent and she is mother of two minor children. The learned counsel submitted that the applicant has not done any wrong to the complainant and other persons. He submitted that on the contrary

the complainant Santosh Dharmaji Sakate in connivance with Mr. Bhupendra Shah has planned this conspiracy and have collected money from various persons and cheated them. The applicant/accused is innocent. The learned counsel further relied on the complaint given by applicant Anita Bhise to P.I. Baramati Police Station against complainant Santosh Sakate and Bhupendra Shah, who decided to earn Rs.5 lakhs per head by giving false promise of employment in a Revenue Department and thus, they both have collected Rs.36 lakhs. The applicant is under pressure and threats of the complainant and, therefore, gave this complaint.

4. Learned APP opposed the Application. She submitted that custody of the applicant/accused is required. The applicant/accused has given complaint subsequent to the complaint filed by the present complainant.

5. Perused the FIR. This is a very serious offence. Under any circumstances, no anticipatory bail can be granted to the applicant/accused, who has cheated many people. It appears from the counter complaint given by the applicant, as per her allegations, that the complainant and other persons are involved in this racket. However, the applicant/accused did not give her complaint immediately but the complainant's complaint is first in time. The offence is registered in

October, 2016. The applicant/accused was not given any protection by the Sessions Court or by this Court. Despite such circumstances, I am surprised why the applicant/accused was not arrested. Hence, the Application for Anticipatory Bail is rejected.

6. Copy of this order is to be sent to Superintendent of Police, Pune and Superintendent of Police, Baramati.

(MRIDULA BHATKAR, J.)