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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.824 OF 2017

Lohita Sanjay Jagdhane ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.Ritesh M. Thobde, for the Applicant

Ms.S. S. Kaushik, A.P.P for the Respondent-State

PSI – S.B.Rathod, Sadar Bazar Police Station, Solapur City.

CORAM : REVATI MOHITE DERE, J.
DATE : 12th JUNE, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 157 of 2017 registered with the Sadar Bazar Police Station, Solapur, for the alleged offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant

has been falsely implicated in the aforesaid case. He submitted that there are no documents to show the complicity of the applicant in the alleged offences i.e. loan availed by the complainant. He relied on the documents which are from page numbers 21 to 23 of the application to show that no loans were given by the Bachat Gat to the complainant – Laxmi Bhandare. He submitted that a similar complaint was lodged in November, 2016 with the Commissioner of Police, but no cognizance was taken by the Commissioner of Police.

4. Learned APP opposed the application. She submitted that the applicant was involved with several Bachat Gat Santhas and was helping several women get money/loan from the said Bachat Gat Santhas and was also assisting the illiterate women to update their passbooks and other correspondence. She submitted that the applicant herself was a member of one such Bachat Gat i.e. Fulton Micro Finances. She further submitted that apart from the complainant – Laxmi, the applicant has cheated several other illiterate women. She relied on the statements of Ambubai Shivshankar Gujare, Rani Sridhar Saibolu and Ganga Rajendra Dolare in support of her submission. She also relied on one such bond paper

executed between the applicant and Rani Sridhar Saibolu. She submitted that the modus operandi of the applicant was, first to develop trust and thereafter, to help and assist the women to secure loans of a sufficiently high amount and after the said loan was received by the ladies, to convince them to hand over the said loan amount to her for starting a business, by assuring them to double the loan amount in a year. She submitted that there are about 165 such investors and that the total fraud, till date, is to the tune of about Rs.64 lakhs

5. Perused the papers. According to the complainant, she secured a loan amount from a Bachat Gat. She has stated that after she secured the loan from the Bachat Gat, the applicant came to her house and disclosed to her and her family members, that she was in need of money and that the loan amount received from the Bachat Gat should be given to her, to enable her to start a Grocery Shop and Dabba Service. According to the complainant, the applicant assured her that she would double the said money, within one year and repay them the same. The applicant is also alleged to have assured the complainant, that she would pay the loan installments to the Bachat Gat and accordingly signed a bond to that effect.

She has further stated that in view of the pleadings made by the applicant, she handed over the loan amount to the applicant and signed a bond to that effect. She has stated that in the bond paper given by the applicant, it is mentioned, that the applicant has taken the amount of Rs.1 lakhs from her and that in one year she would double the said amount. She has stated that at the time when the bond paper was executed, the applicant had assured that she would even pay the loan installments to the Bachat Gat. She has further stated that after a few days, she realized that the applicant had not paid the loan installments as promised, and that she was planning to leave the house where she was residing. She has stated that she also learnt that the applicant had taken amounts from other persons and that she had cheated all of them. A perusal of the statements of the 3 ladies i.e. Ambubai Shivshankar Gujare, Rani Sridhar Saibolu and Ganga Rajendra Dolare shows that the applicant had taken different amounts from the said ladies. A perusal of the bond paper executed between the applicant and Rani Sridhar Saibolu shows, that the said Stamp Paper of Rs.100/- was purchased by the applicant. The applicant has also signed on the said bond paper in the presence of the witness – Sridhar Saibolu. The applicant in the said bond paper has assured that the amount of Rs.80,000/- taken from

Rani, would be doubled within one year. The said bond agreement, signed by the applicant shows that the applicant has accepted having taken the amount and of doubling the said amount within one year. It appears that there are several illiterate women who have been cheated by the applicant and monies have been taken by the applicant from them. Investigation is in progress. In the facts, custodial interrogation of the applicant is imperative.

6. Considering the aforesaid, this is not a fit case to grant pre-arrest bail to the applicant.

7. Hence, the Application for pre-arrest bail is rejected and disposed of as such.

8. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)