IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1174 OF 2017

Hemant Sadashiv Bhujbal ….. **Applicant**
VERSUS
The State of Maharashtra ….. **Respondent**

Ms.Pranali Kakade, i/b. Mr.Subhash Hulyakar for the Applicant.

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

CORAM : T.V.NALAWADE, J.
DATE : 10th AUGUST, 2017

P.C.

The application is filed for anticipatory bail in C.R.No.514 of 2017 registered in Yerawada Police Station for offences punishable under sections 406, 420 and 34 of the Indian Penal Code. Both the sides are heard.

2. The crime is registered on the basis of report of one Bibhishan Namdeo Gurvare. In April 2016, when he had gone to see a movie to Mall Hapadsar, Pune and when he came out of the theater, some persons who were representing Urasia Holidays Club and who were wearing uniform approached him and made representations to him that there was a scheme under which he can get an opportunity of holiday trip. For that a form was required to be filled. Bibhishan Namdeo Gurvare filled such form. After four days of filing of the form somebody from the Club contacted him on phone and asked him to come to the office with

his wife or any other relative as the scheme was for two persons. He then went to the office with the maternal aunt and maternal uncle. There the information was given about the holiday package of five years of this club and he was advised to select the package of total 35 days. He was informed that it was necessary to deposit Rs.60,000/- in installment. It was represented that interest would be paid on it. He made the payment of Rs.15,000/- initially and on that interest of Rs.1,077/-was given to him by cheque. Due to this, he deposited Rs.45,000/- more. After that no interest was paid to him. When he went to the office, he noticed that some staff of the company was sitting outside and the door of the company was in closed condition. He was informed that company was closed. When he stayed there for quiet sometime, the present applicant who was in-charge of the branch came and promised to return the money. He gave such undertaking on the letterhead of the aforesaid company, club. He was informed that entire amount will be returned. Then to convince him on 9th May,2017 a cheque of Rs.63,231/- was given. This cheque bounced. The informant realized that he was deceived. At the office, he met many other persons who had come there for similar reason and so he approached the police. The amount which was taken was also mentioned in the said FIR. Due to such allegations crime was registered.

3. The present applicant submits that he was only employee of the said club. This submission is not at all acceptable in view of the nature of the allegations

made against him. The reply affidavit filed by the State shows that the huge amount which was collected at this branch has gone to the account of the present applicant and that amount is more than Rs.44.6 lac. Further there are circumstances that the present applicant gave undertaking and he also issued a cheque. Such things cannot be done by the ordinary employee. Further admittedly his contact number was published in the advertisement for collecting business.

4. Learned counsel for the applicant submitted that the amount which is appearing in the bank account of the present applicant is not the money of the aforesaid club but it is the money collected by selling the agricultural land by his father. A copy of the sale deed is produced on record. Though in the xerox copy of the document which can be called as index it is having only two pages. It is mentioned that the consideration was Rs.40 lacs. These documents cannot help the applicant as the amount at one instance of Rs.40 lacs was not credited in his account. If the amount was collected on 24th June, 2016 or prior to that, atleast substantial amount could have been credited in the account but the account statement does not show such credit after said transaction. On the contrary the credits are of such nature that the inference for the present purpose is possible that the amount they were collecting for the aforesaid club was going into his account. Further in view of the aforesaid specific allegation such defence cannot be considered at this stage. This court holds that this is not fit case for grant of

anticipatory bail. Further investigation is must for tracing out other matters and for tracing the money, which is made by committing offence of fraud. In the result, the application is rejected.

(T.V.NALAWADE, J.)