

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

ANTICIPATORY BAIL APPLICATION NO.1274 OF 2016

Santosh @ Dhondiram Mahadeo Kengar ...Applicant

Versus

The State of Maharashtra ...Respondent

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

Mr. Arfan Sait, APP for the Respondent -State.

Mr. Ganesh Kharge, API, Nigdi Police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 19th JUNE, 2017.

P.C.:-

The Applicant herein has filed application for anticipatory bail apprehending his arrest in FIR No.243 of 2016 registered with Nigdi Police Station for the offences punishable under sections 406 and 420 of the IPC.

2. The previous bail application filed by the Applicant was allowed to be withdrawn by order dated 14th January, 2016.

3. The learned counsel for the Applicant has submitted that the Applicant is not involved in the aforesaid crime. She has further

submitted that the amount of Rs.2,60,000/- alleged to have been misappropriated and/or received from the aggrieved persons under the pretext of charges for sending them abroad for employment, is already deposited before this Court. She further submitted that the Applicant is ready to pay the balance amount of Rs.1,00,000/- which was paid to one of the agents of the Applicant in Malaysia for helping the aggrieved persons to return to India.

4. The learned APP submits that the material on record prima facie reveals that the Applicant is involved in cheating Mayur Kulkarni and Omkar Gholap. He has submitted that the Applicant had received the money from these two persons under the pretext of providing job opportunities.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State.

6. The records prima facie reveal that some times in the month of December, 2014 two victims by name Mayur Kulkarni and Omkar Gholap had come across an advertisement that Shri Sai Suman

Consultant Pvt. Ltd. would be recruiting some candidates to Malaysia on assured salary of Rs.50,000/-. The records prima facie reveals that these two victims viz. Mayur Kulkarni and Omkar Gholap had paid Rs.1,30,000/-each to Mahesh Baban Kadam, Manager of Shri Sai Suman Consultant Pvt. Ltd. Subsequently, said Mayur and Omkar were sent to Malaysia but they were not provided a job as assured and that they were cheated by the Applicant, who was running the said consultancy firm. Shri Prasann Kulkarni, the cousin of Mayurh Kulkarni therefore, lodged a FIR, pursuant to which the aforesaid crime came to be registered against the Applicant.

7. It is to be noted that the Applicant herein has already deposited an amount of Rs.2,60,000/- which is stated to have been taken from the victims. The learned counsel for the Applicant has undertaken to deposit an amount of Rs.1,00,000/- within a period of two days. The said amount was allegedly paid by the victims to one of the agents in Malaysia towards their travel expenses.

8. Considering the above fact and also considering the fact that the Applicant is not involved in cheating or duping any other person in the said FIR, in my considered view he is entitled for

anticipatory bail. Hence, the following order :-

- (i) The anticipatory bail application is allowed.
- (ii) In the event of arrest of the Applicant, the Applicant is ordered to be released on bail on furnishing bail bond of Rs.20,000/- with one or two sureties to the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Pimpri.
- (iii) The Applicant shall report to the Investigating Officer for a period of four days from 27th June, 2017 to 30th June, 2017 from 10.00 a.m. to 2.00 p.m.
- (iv) The Applicant shall not tamper with witnesses and /or evidence in any manner.
- (v) The Applicant is directed to deposit the balance amount of Rs.1,00,000/-by way of a Demand Draft before the Registry of this Court.
- (vi) The Registry to invest the said amount in the Fixed Deposits in any Nationalised Bank initially for a period of one year with further renewal of the same until further orders.

(ANUJA PRABHUDESSAI, J.)