Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No. 2303 OF 2016

Parmeswaridin Pal ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. R.B. Suryawanshi, Senior Advocate i/b. Mr. Shyamrishi Pathak for the Applicant
Mr. S.S. Hulke, APP, for Respondent – State
Mr. M.S. Kumbhar, P.I., EOW, Pune city present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **1st February, 2017.**

P.C.:

This Application is moved by the applicant/accused under section 439 of Cr. P.C. The applicant is facing charges of cheating and misappropriation under sections 420 and 406 r/w. 34 of the Indian Penal Code in C.R. No. 313 of 2015 registered with Chaturshrungi Police Station at the instance of one Chhaya Vasant Kalbhor.

2. The complainant approached the police on 14th September, 2015 with the case that in the year 2012 she got acquainted with one Vishal Shinde, who introduced the present applicant/accused. The applicant/accused represented that he was working in Armament Research and Development Establishment (A.R.D.E.) as Class-I Officer at the relevant time. He informed that the office has taken decision to fill up all the vacancies of 20 years backlog. The applicant represented that he is

one of the members of 10 members Selection Committee and asked that if bribe of Rs.4 lakhs for non-technical post and R.4,50,000/- for technical post is paid, then he and his colleague would write the written examination so that 80% marks, which is eligibility in the written examination, could be secured. The applicant assured that after the written examination, within 45 days the candidates will be called for interview and then will have to go for medical examination at Sasoon or Ondh Government Hospital and after all these procedures, the candidates will receive the appointment letter. The applicant/accused and co-accused Vishal Shinde told the complainant to inform her decision in respect of her son. The complainant knew co-accused Vishal Shinde and as applicant/accused was working as officer in A.R.D.E. Office, the complainant believed in him and paid total amount of Rs.12,00,000/- for her two sons and her son-in-law. The complainant told about the offer given by applicant/accused and co-accused to other persons and they also paid amounts for their respective relatives to the applicant/accused and co-accused. In August, 2012 some other persons residing in Latur also believed in applicant/accused and paid for their respective children. Thus, as per the complainant, total cash of Rs.82 lakhs were paid to the applicant/accused in the presence of co-accused Vishal Shinde and the applicant/accused assured that the entire team will be going to Delhi. However, the complainant and other persons did not receive any communication from the applicant/accused, so they enquired with him from time to time, however, he gave evasive answers. They realized that they were cheated by the applicant/accused and co-accused and so they demanded their money back. The applicant/accused issued cheque of Rs.2 lakhs to the complainant and another cheque of Rs.3,50,000/- to one Ms. Ashwin Thakre, however, both the cheques were bounced. Again, the applicant/accused issued two cheques of Rs.16 lakhs and one cheque of Rs.16,50,000/- on 24th August, 2014, however, he told that cheques are not to be deposited. Again, he gave two cheques of Rs.25 lakhs each in September, 2014, however, those cheques were not honoured. The complainant and other persons did not approach the police immediately. On 14th September, 2015 the complainant approached the police and gave information. The applicant/accused was arrested on 31st October, 2015. Hence, this Bail Application.

3. The learned senior counsel for the applicant/accused has submitted that the applicant/accused is innocent and if at all he has committed any offence, he is not to be kept in prison for such a long time, which may amount to punishment without trial. The learned senior counsel further submitted that in fact the applicant/accused is not a beneficiary of the amount but co-accused Madan Mishra is the one who has received the entire money and has utilized the same. The learned senior counsel submitted that trial Court has granted bail to Madan Mishra and he had

deposited Rs.25 lakhs. He further submitted that the applicant/accused is ready to cooperate with the police and to abide by the terms and conditions imposed by this Court if he is granted bail.

4. Learned APP opposed the Application. He submitted that applicant/accused along with co-accused Vishal Shinde have played fraud on the complainant and other 45 persons. He further submitted that it was a racket run by these two accused and they are the recipients of the money. Learned APP further submitted that on investigation, it is transpired that it is not co-accused Madan Mishra but the applicant/accused has received the money and they are directly involved in this crime. He further submitted that police have recorded the statements of 45 persons, who are deceived by the applicant/accused and the total amount received by applicant/accused and co-accused is Rs.1,73,26,000/-. Learned APP submitted that Bail Application of co-accused Vishal Shinde, who had played the lesser role, is rejected by this Court by order dated 21st September, 2016.

5. Perused the complaint and the papers placed before this Court. I have considered the submissions of learned senior counsel for the applicant and the learned APP. It appears from the submissions that the applicant/accused has received huge amounts not from 2 or 3 persons

but from 45 persons. Thus, this is a case of repetitive illegal acts committed with conspiracy. Considering the volume of amounts, number of persons deceived and the manner in which the offence is committed, I am not inclined to grant bail. Hence, Bail Application is rejected.

(MRIDULA BHATKAR, J.)