IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1948 OF 2017

MAHESH MUGALIKAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Kuldeep Patil, Advocate for the Applicant.

Ms.P.N.Dabholkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 10th NOVEMBER 2017

P.C. :

1 The applicant/accused in Crime No.I-153 of 2017 registered with Police Station Kongaon, for offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code (IPC), by this application is seeking his release on bail, in the event of his arrest by Kongaon Police Station.

2 Heard the learned advocate appearing for the applicant/accused. He argued that though the First Information

Report (FIR) is patently false, still, the applicant/accused is willing to deposit an amount of Rs.20 lakh, which according to the First Informant is paid to the present applicant/accused through bank transactions. Therefore, in submission of the learned advocate appearing for the applicant/accused, custodial interrogation of the present applicant/accused in the crime in question is not warranted.

3 The learned APP has opposed the application by contending that the photographs collected by the Investigator show that the applicant/accused has also received substantial amount in cash. The learned APP pointed out statement of Sampada Upadhye to demonstrate that applicant/accused has indulged in forgery by opening the bank account in the name of Trio Corporation Private Limited by forging signatures of its original Director.

4 I have carefully considered the rival submissions and also perused the case diary. The crime in question is registered on

the basis of report lodged by Balkrishna Ramanna Shetty, who is owner of Ved hospital, situated at Kongaon and Sridevi hospital situated at Kalyan. The First Informant reported to the police on 7th October 2017 that his son Kshitij had passed M.B.B.S. Examination and he was desirous of securing admission to Post Graduate Course in Medicine. One Prasad Gadkari, a person of acquaintance with the First Informant, introduced the present applicant/accused Mahesh Mugalikar to the First Informant. The First Informant further averred that the applicant/accused Mahesh Mugalikar then assured the First Informant of securing admission of Kshitij for Post Graduate Course in Medicine. The applicant/accused is stated to have assured the First Informant that his son will be admitted to D.Y.Patil College but for that purpose, the First Informant will have to pay an amount of Rs.1.50 crore. For admission to Krishna Medical College, Karad, for Post Graduate Course, the applicant/accused is stated to have demanded an amount of Rs.1.55 crore from the First Informant. On the pretext of securing admission to Kshitij to the Post Graduate Course in Medicine, as stated in the FIR, it is alleged

that the applicant/accused has from time to time extracted huge amounts totalling to Rs.90 lakh till June 2017. The First Informant further reported that apart from giving substantial amount in cash to the applicant/accused, he had also paid some amount by bank transactions to the present applicant/accused. It is averred that the First Informant had paid an amount of Rs.5 lakh in the account of the present applicant/accused maintained by Axis bank. The First Informant further averred that though the applicant/accused has received an amount of Rs.90 lakh from him, he had not done the work of admission of son of the First Informant to the Post Graduate Course in Medicine.

5 Perusal of the case diary shows that the transaction of handing over the cash took place at the office of the First Informant and the same appears to have been video graphed. Snap shot of that video recording seems to have been collected by the Investigator. It is seen that the First Informant is handing over some bundles wrapped in newspaper to the applicant/accused.

6 It appears that during preliminary inquiry of the complaint, the applicant/accused had taken a stand that the amount was collected for supply of some software manufactured by Trio Corporation Private Ltd., of which he is the Director, and the amount of bank transaction is deposited in the account of Trio Corporation Private Ltd. Statement of Sampada Upadhye is recorded by the Investigating Officer. She is Director of the Trio Corporation Private Limited and her husband was working there as the Chief Executive Officer. Statement of Sampada Upadhye shows that the applicant/accused insisted them to add him as Director of the said Corporation by promising business, and therefore, in September 2015, the applicant/accused was inducted as Additional Director of the Trio Corporation Private Limited. Said Sampada Upadhye had reported to the Investigator that the applicant/accused was insisting them to allow him to open an account in the name of the said Company for doing business in the specified area. However, said Sampada and her husband did not agree for the course of action suggested by the present applicant/accused. They reported that upon perusal of the

concerned papers, it is noticed by them that by forging their signatures, the applicant/accused had opened an additional account in the name of Trio Corporation Private Ltd. at Vashi, Sector No.10, Navi Mumbai, and had transacted by operating that account. Sampada Upadhye has disclosed to the Investigator that Trio Corporation Private Limited has no concern with the said account, in which, it appears that the First Informant had deposited the amount.

7 Be that as it may, the FIR lodged by the First Informant shows that he was allured by the present applicant/accused by promising admission for his son for Post Graduate Course in Medicine and extracted an amount of Rs.90 lakh from him. Medical admissions are regulated by the Competent Authority strictly as per merit. It is noticed that even the Hon'ble Apex Court was required to monitor such admissions for Post Graduate Course in Medicine. It appears from the FIR that such admissions are infested by agents and the admission process is sought to be rigged out by such agents operating in the field. Considering the

nature of offence and the manner in which it is committed, no case for grant of pre-arrest bail is made out, though the learned advocate for the applicant/accused has shown willingness of the applicant/accused to deposit an amount of Rs.20 lakh before this court in the matter. Thorough investigation of the crime in question is necessary. As such the order :

ORDER

The application is rejected.

(A. M. BADAR, J.)