IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2108 OF 2016

Rakesh Ramprasad Bhardwaj .... Applicant

versus

State of Maharashtra ... Respondent

Mr.Mahesh N/ Zamwar, Advocate for the Applicant.
Mr.Y.M. Nakhwa, APP for the State/Respondent.

CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 03rd FEBRUARY, 2017.

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused is prosecuted for the offences punishable under sections 419, 420 of the Indian Penal Code in C.R.No.251/16 of Kondhan Police Station. The offence is registered at the instance of Gajanan Vinayak Wagh on 23/06/2016.

2. It is the case of prosecution that the applicant/accused alongwith co-accused is involved in cheating of the complainant by collecting money by online transaction. On 02/04/2016 the complainant received message on his cell phone that if he wants

to avail of loan facility in the Prime Minister Employment Guarantee Scheme, then loan upto Rs.1,00,000 to Rs.25,00,000/- will be available at the rate of 4% and for obtaining loan towards the filing charge borrower has to pay Rs.6,000/-. The complainant was in need of finance for his business and therefore he contacted online with person namely Raman Sharma and his documents i.e. Aadhar card, PAN card and his mark-sheets and photo were sent by the complainant as per the demand on the email address given by Raman Sharma. He also deposited Rs.6,000/-. Thereafter some account number was informed and one person disclosed his name as Vishal Chaudhary who told the complainant that the documents will be examined for loan verification. On 13/04/2016, again Vishal Chaudhary called him and told that Rs.20,000/- are required in order to clear his file. So he deposited the same online in the bank account given by the co-accused. Again on 16/04/2016 he was communicated that his verification failed and more Rs.25,000/- was required to be paid. So he again paid Rs.25,000/-. As he was in dire need of finance he decided to borrow loan in the name of his wife. So he again applied online and deposited more money in way of Rs.6,000/- filing charge and thereafter deposited more money as demanded by the persons who used to give directions online. Thus he went on depositing total amount of Rs.5,52,000/- as assurances were given by those persons. However, he never got loan from Prime Minister Employment Guarantee Scheme and he lost Rs.5,52,000/-. Hence offence was registered.

3. The learned counsel for the applicant/accused submitted that the name of applicant/accused is not mentioned in the FIR. The applicant/accused is innocent. He has not committed any offence. The other co-accused who were arrested, are on bail. Similarly, the applicant/accused is also granted anticipatory bail in one matter which is of the same nature by the Sessions Court, Pune. He further submitted that the applicant/accused has never come in contact with the complainant and he has no way connected with the entire transaction which is alleged by the complainant. He further

submitted that he is ready to deposit Rs.5,00,000/- under the protest.

4. The learned prosecutor opposed the application and pointed out the observations made in the order dated 15/10/2016 passed by the learned Additional Sessions Judge, Pune, wherein it is mentioned that the applicant/accused alongwith co-accused have cheated nearly 800 people in the same offence and the learned prosecutor has submitted that the applicant/accused is the kingpin of the racket.

5. Perused the FIR. Considering the submissions of the learned counsel for the applicant/accused and the learned prosecutor, it appears that it is very intelligent cheat by use of online technique. Under such circumstances, custodial interrogation is required very much to find out how the offence or offences are committed. It is necessary for the police to find out the volume of the offence. Hence the application is rejected.

(MRIDULA BHATKAR, J.)

Nesarikar