

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

BAIL APPLICATION NO.2536 OF 2016

Shekhar Vittal Bagul

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.M.N. Sandhyanshiv for the Applicant

Mr.Y.M. Nakhwa, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 27, 2017

P.C. :

1. The application is moved for bail as the applicant/accused is prosecuted for the offences under sections 420, 419, 465, 467, 468, 470, 471, 472, 473, 475, 170, 120B r/w section 34 of the Indian Penal Code, under section 3 and 4 of Maharashtra Protection of Interest of Depositors Act and u/s 66(C)(D) of the Information Technology Act in C.R. NO.33 of 2016 registered with the Chavni police station, Malegaon, District Nasik.

2. It is the case of the prosecution that the applicant/accused introduced the complainant and other 8 to 9 persons to one Bhushan Gamanrav Shewale, resident of Malegaon as an officer

working in Public Works Department (PWD) and the applicant/accused represented to them that Bhushan Shewale was an influential person and would give them jobs in PWD if a bribe of Rs.15 lakhs is paid to him. The applicant/accused gave assurance to the complainant and other witnesses that they will get a job definitely. So, the complainant's father mortgaged his field and borrowed Rs.12 lakhs. He also borrowed Rs.3 lakhs from his relatives and he handed over Rs.15 lakhs to the applicant/accused to hand over the same to Bhushan Shewale. Then on 27.5.2015, Bhushan Shewale gave him an order that he is appointed as Junior Clerk in PWD Web Management Department at Wardhaman Nnagar, Malegaon. So, he joined his job at 11am and he noticed that nearly 110 to 115 persons were also working in the said building and they all were employed by Bhushan after obtaining Rs.10 to Rs.15 lakhs each and they have also received letters of appointment. Salary of one month of Rs.10,000/- was also deposited in their accounts by Bhushan and thereafter he never gave salary to anybody and, therefore, the complainant and the other persons asked him about their salary. At that time, he gave some evasive answers and told them that they should pull on and they would get salary after few months. They realised that it

was a fraud played on them and on enquiry, they found that a PWD Web Management office building is owned by one Lalit Shewale and Bhushan Shewale who have conspired and collected money from many boys and they purchased the building out of that amount and used it as an office of PWD Web Management Department. Thereafter, he himself gave information to press on 6.1.2016 that nearly 120 boys were cheated and then, they realised that Bhushan and Lalit and the applicant/accused who worked as their associate, have cheated the complainant of Rs.15 lakhs and other witnesses upto Rs.10 to 15 lakhs. Thus, they have collected nearly Rs.17 cores for their wrongful gain. The applicant/accused was arrested on 24.2.2016, hence, this Bail Application.

3. The learned Counsel for the applicant/accused has submitted that the applicant/accused is innocent and has not committed any offence. He has in fact paid amount of Rs.10 lakhs to get job to his brother, who was also appointed by Bhushan in the same manner in the PWD Web Management Department as a peon. He submitted that he is a sufferer as well and did not get any pecuniary benefit. The learned Counsel relied on the order

dated 1.8.2016 passed by this Court in Criminal Bail Application No.1235 of 2016 granting bail to Dinesh Vasant Ahire. He submitted that the applicant/accused is innocent and he is to be bailed out.

4. Learned Prosecutor opposed this Bail Application and relied on the statements of various witnesses, namely, Yogesh, Ganesh, cousin of the applicant/accused Prashant Jadhav, Sambhaji Kathale, etc. he submitted that the applicant/accused is not innocent. There is sufficient evidence against him. He has actively participated in the entire fraud which was played upon 110 to 115 boys. He further submitted that it is not 1 or 2 persons, who were cheated but nearly 110 to 115 boys who were given false promise of job and the applicant/accused has played a role of conduit of the principal accused Bhushan Shewale and Lalit Shewale.

5. Perused the statements of the witnesses and the complaint. It shows that the applicant/accused, as argued by the learned Prosecutor, was not the one who was passively introduced the complainant and the other persons to the principal accused but he induced these persons to pay the amount of bribe to Shewale. He has actually collected the amounts from the candidates. As per

the statement of Sambhaji Kathale, when he demanded money from Shekhar Bagul, the applicant/accused made him to resign and thereafter assured him repayment. However, thereafter, he gave evasive answers to the witnesses.

6. It appears from the record that the applicant/accused is not the one who had no association with the other accused and hence, considering the circumstances of the case, bail cannot be granted to him. Further, I have perused the order dated 1.8.2016 relied on by the learned Counsel for the applicant/accused. However, the role attributed to Dinesh Vasant Ahire is totally different than the applicant/accused who is attributed a very active role in the entire transaction.

7. Bail Application is rejected.

(MRIDULA BHATKAR, J.)