IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.780/2017
Swapnil Vilas Dakhane & anr..vs.State of Maharashtra thr. PSO P.S. Wani, Dist. Yavatmal
AND
CRIMINAL APPLICATION (ABA) NO.806/2017
Santosh s/o Latari Chide and anr. ..vs.. State of Maharashtra thr. PSO P.S. Wani, Dist. Yavatmal

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Mr. S. S. Jaiswal, Advocate for applicants in ABA No.780/17
Mr.P.A.Dahiwale, Advocate for applicants in ABA No.806/17
Mr. N. B. Jawade, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : DECEMBER 11, 2017

1. These are the applications for grant of bail since the applicants are apprehending their arrest in connection with Crime No.1164/2017, registered with Police Station, Wani, Dist. Yavatmal for an offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code. The FIR is a classic example of how the unemployed youths whose numbers are ever increasing unfortunately are being exploited by the persons who, in my view, are nothing but Job Sharks by exploiting the situation.

2. Applicant no.2-Narendra in Criminal Application No.806/2017 is one of the close relative of the first informant Sachin, whereas applicant no.1-Santosh is his friend. The FIR is lodged on 17.10.2017. These applicants came to the first informant on 20.02.2016. That time, the

first informant was taking education in the final year of Arts stream at Rajiv Arts College at Zari. These two applicants informed the first informant that a post of Operator is available in the Ordnance Factory, Chanda and they are having some contacts who would provide job to him and for that he will have to shell out some money. Since the first informant was intending to secure the job, he has given his consent for parting with money. This fact is also disclosed by the first informant to his father. The applicants informed that for securing job, the first informant will have to part with an amount of Rs.15,00,000/-. Therefore, in order to raise the funds, father of the first informant sold his agriculture land to the extent of 4.5 Acres situated at Rasa village on 18.02.2016 for Rs.16,00,000/-. This fact has come to the knowledge of these applicants and therefore they, without losing time, approached to the first informant on 20.02.2016 and demanded for Rs.5,00,000/- personally. That amount was given in the house of one Khandarikar. These applicants introduced one Swapnil Dakhne and Vilas Dakhne, (Applicants in Criminal Application No.780/2017.) They also introduced one Prashant Satramwar and Sarfaraj Sheikh. After discussion, the first informant, on the say of these applicants handed over an amount of Rs.5,00,000/- to Swapnil Dakhane (applicant no.1 in Criminal Application No.780/2017.) That amount was counted by his father Vilas Dakhane (applicant no.2) and informed the father of the first informant that now they should rest assured about the employment. Not only that, the applicants and other two persons i.e. Santosh and Sarfaraz insisted that the remaining amount will have to be paid immediately. Thereafter the first informant and his father were in touch with the applicants in these two applications and other two named persons.

3. On 10.04.2017, the applicants-Santosh and Swapnil informed to the first informant that they have received the appointment order and therefore he should bring the remaining amount and should take away the order of employment. Accordingly, the first informant along with his father reached to the house of the applicants-Swapnil Dakhane at Wani. All those six persons including the applicants in both these applications were present and that time, amount of Rs.10,00,000/- was handed over to them. Thereafter a letter was handed over to the first informant which was in respect of the medical examination. The amount of Rs.10,00,000/- was given to Swapnil, is the statement in the FIR. On 18.05.2016, the first informant was again called on the pretext that the joining order is now available. Accordingly, the first informant and his father had reached to the house of Swapnil Dakhane. That time, Swapnil and Santosh were present. They handed over the joining report.

4. As per the said joining report, when the first informant had been to Chanda Ordnance Factory that time he got shock of his life that it was a bogus, fabricated and sham document. Thereafter, the first informant and his father met with the applicants in both these applications and

also to Prashant and Sarfaraz. That time they assured the first informant that the amount will be refunded. However, in spite of lapse of two months, the amount was not refunded. Subsequently, a cheque of Rs.8,00,000/- which was duly signed by Prashant was given to the first informant. The said cheque was bounced as sufficient amount was not available in the bank account. Thereafter, the present FIR is filed.

5. Mr. Dahiwalwe, learned counsel for the applicants Santosh and Narendra submitted that they are innocent. They only introduced the first informant with the other persons. At no point of time, any amount is received by them. He submitted that there is nothing that could be recovered from him. Therefore, the ad interim anticipatory bail granted to them may be confirmed.

6. Mr. Jaiswal, learned counsel for applicants Swapnil and Vilas submitted that they are victims of Prashant and Sarfaraz. He invited my attention to page no. 65 of Criminal Application No.780/2011, which is in the nature of appointment order given to Swapnil and he submitted that the applicants be protected.

7. The applicants Santosh and Narendra are in close proximity of the first informant and his father. They were knowing that the first informant is the aspirant of getting employment. They were also knowing that father of the first informant is having agricultural land. The cause title of

Criminal Application No.806/2017 shows that Santosh is doing private job whereas applicant no.2-Narendra is an agriculturist. Thus, in no way they were concerned with any department's employment. In spite of that, in order to dupe one of the close relatives and the friend, taking disadvantage of the situation, they introduced the first informant and his father to others on the assurance that those persons are capable of providing employment to the first informant. However, for that the first informant will have to pay consideration, which was to the tune of Rs.15,00,000/-. The unfortunate father, who was having a dream that his son should get a Government job, readily sold his agricultural land to raise an amount of Rs.15,00,000/-. Once the property was sold, the present applicants; Santosh and Narendra, without losing any time and in order to take away the said amount, approached to the first informant and his father and took them to the house of one Khandarikar. There they introduced the applicants; Swapnil and Vilas and two other persons namely; Prashant and Sarfaraz and informed that these are the persons who are in a position to provide employment to the first informant and thereafter the amount of Rs.5,00,000/- was handed over to the applicants-Swapnil and Vilas. The said amount was counted by Vilas and subsequently an assurance was given by these applicants and the other two persons that on payment of remaining amount, the employment order will be given.

8. The role of the applicant nos.1 and 2; Santosh and Narendra is not that simple as it is tried to be projected

by the learned counsel for the applicants. It appears, at least *prima facie* from the FIR, that these two persons are working as agents for the applicants; Swapnil and Vilas and Prashant and Sarfaraz and they are just marking the victims so that those victims could be handed over to the Job Sharks who would finalize their scheme for fetching money from the unfortunate victims.

9. Insofar as page no.65 in Criminal Application No.780/2011 is concerned, in my view, presently much importance cannot be given to the same since it is the defence of the applicant no.1-Swapnil. If really he was a victim there was no occasion for him and his father to be in the house of one Khandarikar and to receive an amount of Rs.5,00,000/- from the first informant and his father. Not only that, subsequently, Rs.10,00,000/- was also received by the applicant-Swapnil in his house. Therefore prima facie, it shows that they are also the members of the cartel in giving false promises and obtaining money from the educated unemployed persons.

10. The Court cannot turn blind eye to what is happening in the society. If these persons are allowed to roam scot-free then there is every possibility that these persons will lay their net for other victims and they will be trapped in their scheme of extracting money. Not only that, in the FIR it has been stated that the present applicants have also cheated two others persons who are residents of Nimbala and Mhatardevi; to the tune of Rs.14,00,000/-.

According to the reply filed by the prosecution, these accused persons along with the other accused persons have cheated the people to the tune of Rs.30,00,000/-. According to the prosecution, there is every possibility that these accused persons might have cheated some other innocent persons. Consequently, this is not a case wherein the Court should take a lenient view and grant bail only on the point that nothing is remained to be recovered from the applicants.

11. Consequently, the applications are rejected. Needless to mention that the interim orders granted on 02.11.2017 and 15.11.2017 shall stand vacated. It is expected from the investigating officer to take immediate steps in the matter and report compliance to this Court.

The applications are rejected and disposed of accordingly.

Place the matters on 18.12.2017 only for compliance by the investigating officer.

JUDGE

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