

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

CRIMINAL BAIL APPLICATION NO.2220 OF 2018

Anud Sajjad Shirgaonkar	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.S.N. Choudhary, Advocate for the Applicant.
Mr.A.R. Kapadnis, APP for Respondent – State.
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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 15, 2018.

P.C. :

This is an application for anticipatory bail. The applicant is arrested in connection with C.R.No.I-68 of 2018, registered with Kasarvadavli Police Station, Thane. First Information Report ("FIR", for short) was lodged on 20th March, 2018 for offences punishable under Sections 419, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code ("IPC", for short).

2 The prosecution case is that the complainant is a social worker, who is the Corporator in Thane Municipal Corporation since 2012. He was approached by Ashok Sonawale,

who had worked with him and informed the complainant whether he would like to become MLC. He further stated that he has been given such offer by some persons in the event the complainant is willing to spend money for achieving said post. The complainant did not believe the representation as he was aware that such an offer cannot be fulfilled. However, with a view to expose people involved in the such racket, the complainant agreed to meet the persons and discuss with them about the said offer. Subsequently, it was decided to hold meeting at Tulsi Hotel on 6th March, 2018. Complainant and Ashok Sonawale went for a meeting at the said place at about 9:00 p.m. Friend of Ashok Sonawale, namely, Ganesh Mantri was present at the place of meeting. He was accompanied by two other persons. They were introduced to complainant as Jayprakash Gupta and Anil Bhanushali. The said persons stated that for the appointment on the said post, the complainant will have to spend Rs.10/- crores. He was also informed that a woman close to Chief Minister would accomplish the work. He was further represented that after approval of Bio-data, the complainant will have to part with an amount of Rs.25,00,000/-, Rs.4,75,00,000/- will have to be deposited before his oath ceremony and the balance Rs.5 crores will have to be deposited after the oath ceremony. The complainant was informed

that in the event he agrees to the aforesaid terms, they would introduce him to the concerned woman who would act as a mediator. The complainant sought two days time to consider the proposal. Ashok Sonawle, Ganesh Mantri and Jayprakash Gupta were in touch with Anil Bhanushali. Subsequently, it was decided to conduct a meeting at the same hotel on 12th March, 2018. Complainant and Anil Sonawale went to the said hotel. They met Anil Bhanushali and Jayprakash Gupta. They informed that the applicant was supposed to attend the meeting, however, on account of unavoidable circumstances, she could not attend the meeting. The meeting will be conducted after two days and the complainant was asked to make arrangement of money. Subsequently Anil Bhanushali was in touch with Jayprakash Gupta and Anil Sonawale. On 14th March, 2018, message was received from Jayprakash Gupta that madam would attend the meeting at the same place. Anil Bhanushali and Jayprakash Gupta, applicant and 3 to 4 persons were standing outside the hotel. Complainant visited the hotel. Applicant told the complainant that she is originally from Ratnagiri. She was earlier attached to Crime Department and subsequently transferred to Housing department at Mantralaya and she is handling personal work of the Chief Minister. She also stated that tender of

Samrudhi High Way to the extent of 40 kilometer is in her hand and she is handling tender work. She stated that, mostly she is at Beed and Osmanabad. It is further stated that the complainant will have to spend about 10 crores. The complainant handed over his Bio-data. He suspected foul play. On 15th March, 2018, applicant gave a call to the complainant and informed him that his Bio-data has been approved by the Chief Minister and within two days she would arrange conversation with him. On 18th March, 2018, the complainant had received a missed call from the applicant. The complainant thereafter gave a call to the applicant at about 8:30 p.m., she informed that the Chief Minister was on conference call and she will again call him as per the convenience of the Chief Minister. On 19th March, 2018, the applicant again called the complainant. He did not answer the phone call as he was in corporation meeting. She again gave call and informed him that the Chief Minister would be available for conference talk after 6:00 p.m. and she again reconfirmed about the amount required to be spent. She also stated that Anil Bhanushali had quoted exorbitant amount and the actual amount is Rs.4 crores. She also stated that the complainant should deal with her. The applicant again gave a call to the complainant and informed him that the Chief Minister is on conference call. The

major part of the conversation was made by the applicant and the person who represented to be the Chief Minister had conversation for some time. He informed the complainant that the applicant would look into the matter and his Bio-data has been approved. He also stated that the deal is fixed at Rs.4 crores and Rs.25,00,000/-, are to be deposited in advance. Thereafter the applicant had disconnected the phone. The complainant thereafter received a phone call from the applicant. She told him that he should make arrangement of money on the next day and deposit the amount in cash. She also stated that they shall meet at Tulsi hotel and she would bring the Bio-data approved by the Chief Minister. The complainant recorded the said conversation. He also video recorded the meeting. The complainant realized that the applicant and Anil Bhanushali are trying to deceive him. He informed the police about the said incident and it was decided to lay trap to apprehend the accused. Panchas were arranged, dummy currency notes were also arranged. As decided, the complainant and others had reached Tulsi hotel. The applicant tendered the copy of the Bio-data. The name of the Chief Minister was written on the back side of the said Bio-data having purported signature of the Chief Minister. The amount was handed over to the applicant. Police then arrested the applicant-

accused. First Information Report ("FIR", for short) was registered. Investigation was conducted and charge - sheet was filed.

3 Learned counsel for the applicant submitted that the applicant is in custody since 20th March, 2018. Investigation is completed and the charge - sheet is filed, further detention of the applicant is not necessary. Applicant is a lady having minor children. The co-accused Anil Bhanushali and Abdul Ansari were arrested and granted bail. The matter relates to documents. The applicant is in custody for a period of about five months. Applicant is not beneficiary of amount as it was not parted. The investigation is completed and charge - sheet is filed.

4 Learned APP submitted that the applicant is involved in serious crime. It was represented by her that she is very close to Chief Minister and she would make arrangement for appointment of MLA for consideration of Rs.10 crores. It is further submitted that the accused had prepared the letter on the letterhead of the Chief Minister and under his purported signature stating that the Bio-data of the complainant has been approved. It is further submitted that she had pretended to have

conference call between the Chief Minister and the informant /complainant. Accused No.3 had a talk on the phone impersonating himself as the Chief Minister. The manner in which the applicant has committed the said crime, would not entitle her to be released on bail.

5 From factual matrix, it is apparent that, applicant has represented that for an amount of Rs.4 crores, she would make an arrangement of appointment of the informant/ complainant as MLC. She had engineered a fake conference call purportedly with the Chief Minister with a view to introduce the complainant to make him believe that the deal would be finalised. Signature of the Chief Minister was allegedly forged on the alleged letterhead of the Chief Minister. The applicant had accepted the currency note believing the same to be genuine notes and had shown the approved Bio-data purportedly signed by the Chief Minister. Taking into consideration the manner in which the crime is committed, the applicant is not entitled for bail. She has played major role in the crime. The other accused who were granted bail were acting as per her instruction. Taking into consideration the aforesaid circumstances, no case for grant of bail is made out.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2220 of 2018, stands rejected;
- (ii) Trial Court is directed to conclude the trial, as expeditiously as possible, and, within a period of one year from the receipt of the order.

(PRAKASH D. NAIK, J.)