

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

ANTICIPATORY BAIL APPLICATION NO. 1784 of 2018

Balu Suleman Naikwadi ...Applicant.

Vs.

The State of Maharashtra & anr. ...Respondents.

Mr. Anand Patil i/by Anand Patil and Associates for the Applicant.

Mr. S.S. Hulke, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 21st November, 2018

PC :

1. By an Order dated 4.9.2018 the applicant was granted interim relief.

Heard the learned counsel appearing for the applicant and the learned
APP. Perused the record.

2. The first information report is lodged on the basis of the Order dated 19.5.2018 passed by the learned Judicial Magistrate First Class, Kagal under Section 156(3) of the Code of Criminal Procedure on the complaint lodged by the informant Vilas Mulik under Sections 419, 420, 465, 468, 406, 417 and 511 of the Indian Penal Code.

3. It is the case of the prosecution that, the applicant had assured the first informant that, he will give job to his son, namely Mr. Vickram, in State Excise Department of Government of Maharashtra and for doing the said needful the applicant accepted Rs.5,00,000/-. As the applicant failed to give job to the son of the informant, the applicant repaid a sum of Rs.1,40,000/- in cash to him and gave a cheque of Rs.3,60,000/- drawn on HDFC Bank, Gargoti Branch. The said cheque was dishonoured on presentation. As the applicant failed to either give job to the son of the complainant or return the balance amount, the informant filed the said complaint.

4. The learned counsel appearing for the applicant submitted that, as a matter of fact the applicant is also a victim of the crime committed by the accused namely Balu Suleman Naikwadi against whom he has filed representation on 6.10.2016 with the Superintendent of Police, District Kolhapur and therefore, the applicant may be protected by pre-arrest bail..

5. A bare perusal of the complaint would indicate that, the applicant by taking undue advantage of the situation i.e. the need of the complainant for

getting a job to his son with the Government of Maharashtra, induced the informant to part with a sum of Rs.5,00,000/- under the pretext that, he will provide job to his son in State Excise Department, Government of Maharashtra. The record indicates that, a strong prima facie case for commission of an offence under Section 419 and 420 of the Indian Penal Code has been made out against the applicant. It is necessary for the police to thoroughly investigate the present crime and to unearth the entire truth behind it as to whether there are any other victims of similar representation made by the applicant and any amount has been accepted by the applicant in that behalf. Undoubtedly, the assurance given by the applicant to the first informant that, he will provide job to his son in State Excise Department, Government of Maharashtra without having any lawful authority in that behalf itself requires indepth investigation.

6. After taking into consideration the gravity of the offence, serious allegations against the applicant and the need of thorough investigation by the police, this Court is of the considered view that, the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

7. It is needless to mention that, the interim relief granted by Order dated 4.9.2018 comes to an end with immediate effect.

(A.S.GADKARI, J.)