

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1808 OF 2018

Santosh Kumar Pandey

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Niranjan S. Mundargi i/b. Mr.Vijay Vasant Nene for the applicant.

Mr.R.M. Pethe, APP for the respondent/State.

CORAM : PRAKASH D. NAIK, J.

DATE : 7th SEPTEMBER 2018

P.C. :

1. This is an application for anticipatory bail in connection with CR No.185 of 2018 registered with Vithalwadi Police Station, Ulhasnagar. The offences were registered under Sections 420, 465, 468, 471, read with Section 34 of the Indian Penal Code. The FIR was lodged on 9th June, 2018.

2. The prosecution case is that the complainant has alleged that the applicant had informed the complainant and his sister that he

has contacts in Government offices and he can offer job opportunity with Government. It is also alleged that the complainant was in need of better job and trusted the words of the applicant and paid an amount of Rs.2 lakhs in installment to the applicant through cheques of various dates. It is further alleged that the amount has been returned to her when she requested the applicant that she was in need of money due to her mother's health. It is alleged that the applicant had introduced four persons viz Raman Bansode, Dalit Dongare, Anup Nagdive and Santosh Kumar to her and other persons names she did not recollect. She has deposited Rs.5,97,000/- as on date from 6th November, 2017 to 29th November, 2017 in the account of one Naresh Palaka for getting job in ONGC, Mumbai. Since she had been cheated despite assurances by the accused, the FIR was lodged on 9th June, 2018 .

3. The applicant preferred an application for anticipatory bail before the Sessions Court which was rejected by order dated 28th August, 2018.

4. The contention of the applicant is that he has been falsely implicated in this case. The FIR was lodged with oblique motive to cause harassment. The applicant is a railway employee and in the event of arrest, the irreparable loss would be caused to his reputation which may result in loss of his employment. It is

submitted that he was working at Zonal Railway Institute Bhusaval, thereafter posted at Malkhed in January, 1999 and in May 1999 posted at Wardha as Deputy Station Manager and since October, 2013 is employed in capacity of Deputy Station Manager in Indian Railways at Ajni, Nagpur. It is submitted that it is falsely alleged that the applicant represented to be as advocate. The applicant is not an advocate. The applicant is not a practicing lawyer or looking after the matrimonial matter as alleged by the complainant. The original complainant, used to visit with her sister at the advocate office and got acquainted with the applicant. The complainant and his sister was interested to invest her amount in the plot situated at Nagpur and shown her desire to the applicant to look for suitable plot. It is submitted that even the applicant is the victim of the circumstance. The complainant had also parted with amount and assurances were given to her and her family members that the complainant will be provided with employment. The complainant relied upon the letter purportedly issued by the ONGC in favour of Prateek Pandey, Praveen and Subham Kumar Pandey, dated 6th February, 2018 and 8th January, 2018. It is submitted that the amount paid was credited into account of co-accused Naresh Palka and not the applicant. Custodial interrogation of the applicant is not necessary. It is submitted that FIR makes it clear that the amount has been deposited into the account of Naresh Pallaka. Thus, the primary role is attributed to the other accused and not the applicant. It is

submitted that the complainant had dealt with the applicant for all together different transactions and the applicant is not concerned with the alleged acts reflected in the FIR. It is submitted that no amount is parted into the account of the applicant. The version of the complainant therefore cannot be accepted and the applicant cannot be subjected to the custody.

5. On the perusal of the FIR, it is apparent that the applicant has played vital role in the said crime. According to the complainant, the applicant had made false representation and induced the complainant to deposit the amount. The applicant is involved in the serious crime.

6. Learned APP submitted that there is racket of persons who are involved in assuring job to vulnerable people inducing them to part with the amount. It is submitted that visiting card which was recovered from the applicant shows that the applicant is an Advocate.

7. On perusal of the FIR, it is apparent, that the complainant has categorically attributed the role played by the applicant in the entire crime. The applicant and other accused were involved in making false representation to the complainant about job opportunities. It is also noted that at the instance of the co-accused the informant has deposited an amount of Rs.5,97,000/-

into the account of co-accused Naresh Pallaka. The FIR indicates that the accused persons were pretending having conversation with the officers of the ONGC, Mumbai on telephone. The manner in which entire incident has taken place and the false representation made by the accused, does not entitle the applicant to relief under Section 438 of the Criminal Procedure Code.

8. For the reasons stated hereinabove, the Criminal Anticipatory Bail Application is rejected.

Vina
Arvind
Khadpe

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[PRAKASH D. NAIK, J.]