

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2206 OF 2017

1 Tukaram Anna Koli.	
2 Laxman Bapusaheb Vedpathak	... Applicants.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Ashok B. Tajane, advocate for applicants.

Mr. Ajay Joshi, advocate for intervenor.

Ms. Veera Shinde, APP for State.

Mr. S.R. Adhatrao, PSI, Pandharpur City Police Station.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 9, 2018

P.C.:

1 Heard the learned Counsel for the applicants and the learned
 APP for State.

2 This is an application under section 438 of the Code of Criminal
 Procedure, 1973. The applicants herein are apprehending their arrest

in Crime No. 817 of 2017 registered with Pandharpur City Police Station, for offence punishable under section 420 read with section 34 of the Indian Penal Code.

3 By an order dated 21/12/2017, the applicants were granted ad-interim relief. It was observed by this Court that there was a private transaction between the parties and that the applicant had induced the complainant to pay an amount of Rs. 10,40,000/- to be invested in R.P. Scheme and has cheated the complainant.

4 The learned Counsel for the applicants has submitted that the applicant Tukaram Koli is working as a teacher in a school at village Ropale Taluka Pandharpur. The applicant Tukaram Koli has lodged a report with P.I. of Pandharpur City Police Station alleging therein that he had borrowed a sum of Rs. 5 Lakhs from one Sandeep Pawar. He had returned the amount of Rs. 5 Lakhs. That on 17/9/2014 the brother-in-law of Sandeep Pawar had quarreled with him and was

demanding the return of the amount or in lieu of the same, he was demanding two acres of agricultural land.

5 The learned Counsel for the applicants submits that on 15/12/2014 Sachin Karande and Dhananjay Gadivadar had given a written report to P.I. of Pandharpur Taluka Police Station alleging therein that the applicant is in fact working as an estate agent. He was acquainted with the applicant- Tukaram Koli. That the applicant- Tukaram Koli had induced them to purchase more land and that he would give good returns. The complainant Sachin Karande alongwith Anil Zunjar and Anirudha Patil had been to Sarje Maharaj. The applicant- Tukaram Koli had taken them to Sarje Maharaj and had informed Sachin Anil and Anirudha that they would have to pay Rs. 1,50,000/- to Sarje Maharaj and he would return an amount of Rs. 1 Crore 50 Lakhs. The complainant Sachin Karande had given the said amount to the applicant- Tukaram Koli and it was decided that they would go to meet Madan Maharaj. The complainant and others were directed to get Rs. 5 Lakhs more and it was decided that the said

Maharaj would shower money in the house of the present applicant- Tukaram Koli. That one day Maharaj had shown miracles by showing a bunch of Rs. 1000/- notes.

6 Time and again the complainant and others were extorted and subsequently, they had realised that they had been cheated by the applicant and Maharaj. S.D.P.O Pandharpur had directed P.I. of Pandharpur City Police Station to enquire into the same. The statement of the said persons was recorded. Statement of the applicant Tukaram Koli was also recorded and the report was filed by the police stating therein that there was some transaction between the applicant Tukaram Koli and the complainant. And that the complainant had not given specific details and therefore, the enquiry was closed. Similarly, there were other people who are also cheated and they have also filed similar complaints against the present applicant- Tukaram Koli.

7 On 15/11/2017 Jyotiram Rokade lodged a report at the police station that the applicant Tukaram Koli had induced him to purchase a plot from Bandu Dolare and that responsibility is taken by the applicant Tukaram Koli to get the no objection certificate from the Collector, Osmanabad. Accordingly, the complainant had paid Rs. 2 Lakhs to the applicant Tukaram Koli. The applicant had then induced the complainant to deposit some amount in his R.P. Scheme. Accordingly, the complainant had deposited the amount of Rs. 2 Lakhs which was further deposited in the account of one Arun Agarwal holding an account in Axis Bank. The complainant had then realised that he had been cheated and therefore, he was pressing hard for return of the said amount. On 2/11/2017 the complainant had called upon the applicant on his cell phone. The applicant Tukaram Koli had assured him that he would get lucrative return from R.P. Scheme and then he would return the amount.

8 Perused the papers of investigation. In the first information report it is specifically mentioned that the first informant had

conversation with the applicant- Tukaram Koli on his cell phone on 2/11/2017. Today, the Investigating Officer has placed before this Court the transcript of the conversation between the applicant- Tukaram Koli and the complainant on 2/11/2017.

9 The prosecution has recorded the conversation between the applicant Tukaram Koli and the complainant. The transcript is placed on record. That applicant Tukaram Koli had informed the complainant that he has received a letter from DRDO and also permission from Bank of India. That he had put up proposal (filed) before the Finance Minister Mr. Arun Jaitley and the file was under consideration. He had also informed the complainant that he is likely to receive an amount of Rs. 40,000/- Crores and he is in touch with Amit Shah. He had informed the complainant that he is floating metal which has high value in United States of America. It is clear from the conversation that the applicant Tukaram Koli has cheated several people by floating bogus schemes.

10 The applicant No. 2 who is rickshaw driver, was assisting the applicant No. 1. The statement of one Ramdas Belkar would show that the applicant No. 2 alongwith applicant No. 1 had obtained a total of Rs. 15,25,000/- from Sachin Karande and Rs. 13,80,000/- from Anil Jhunjar. Anil Jhunjar has disclosed that the applicants had obtained Rs. 5 Lakhs from him on the pretext that he would return Rs. 5 Crores by performing poojas, mantras and homas. After 3 days he had informed Anil Jhunjar that when he was performing homas, money had got burned and turned to ashes. The applicant No. 2 happens to be an accomplice to applicant No. 1 and has induced people to part with money and it appears that he has actively participated in the fraudulent act committed by the applicant No. 1.

11 This is a case which would require custodial interrogation. It is clear from the record that the applicant Tukaram Koli has criminal antecedents and just because the complainant had not given specific particulars, enquiries were closed. This is a fit case for custodial

interrogation. Hence, the application being sans merits stands rejected.

12 Needless to say that the interim relief granted vide order dated 21/12/2017 stands vacated.

13 At this stage, learned Counsel for the applicants has requested to stay this order. The request is refused.

14 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)