IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1322 OF 2019

Rahul Sharadchandra Rokade @ Anr. … Applicants
Versus
The State of Maharashtra … Respondent

Mr. Sameer Kumbhakoni, Advocate for the Applicants.
Mr. S. R. Agarkar, APP for the State.
Mr. Subhash Chaugule, API, Satara City Police Station.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 24th JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with CR no. 358/2019 registered with Satara City Police Station under Sections 417, 419, 420 read with 34 of IPC.

2. FIR is lodged by one Sunil Gharge. It is his case, that, his son Sushilkumar had passed MBBS in 2015 and he wanted to take admission for MD course. In January 2018, he received message from one Kumar Nandan, Shailesh and Rana. These people represented that they were in a position to get admission for his son in MD course. They referred the name of the present applicants. From January 2018 onwards initially Rs.25 lacs were transferred through RTGS in the account of Kumar Nandan. The FIR thereafter subsequently mentions that the said accused Kumar Nandan

called the first informant, his wife and his son to Sinhagad Pharmacy College, Pune. At that time, he was taken to the office of applicant no. 1 and both the applicants met the first informant there. On that occasion, applicant no.2 assured the first informant that he was a member of management committee and that he would definitely see to it that the informant's son work is done. Even thereafter Kumar Nandan extracted money from the first informant. In all Rs. 40 Lacs were taken by Kumar Nandan. After that, the informant tried to contact applicant no. 2; however, he was not available. Thereafter, on one occasion Kumar Nandan called the informant and his son to Sinhagad Pharmacy College at Wadgaon. The informant was made to sit in the office of the applicant no. 1. The applicant no. 2 and Kumar Nandan deliberately kept the first informant in that office for some time, but did nothing further. The first informant's son was never given admission and money was also not returned.

3. In September 2018 only Rs. 5 lacs were returned. The first informant waited for sufficiently long time to get back his money. The money was not returned and therefore the first informant finally lodged this FIR on 25th May 2019.

4. Heard Mr. Kumbhakoni, learned counsel for the applicant and Mr. Agarkar, learned APP for the State.

5. Mr. Kumbhakoni submitted that the entire cheating was committed

by Kumar Nandan. The entire amount was taken by accused Kumar Nandan. Major role was played in this matter by accused Kumar Nandan. Therefore, the applicants deserve the protection of anticipatory bail.

6. As against this, learned APP for the State submitted that the present applicants are involved in this matter and their role was specified in the FIR. The FIR itself confirms both these applicants have also met the first informant. In fact, the applicant no.2 himself has made a representation that he was a member of managing committee and that he was in a position to do his work. This representation was made in the office of the applicant no. 1 and in his presence. This representation amounts to inducement. Thus, there are direct allegations against both the applicants. Therefore, their role is clearly mentioned. At this stage, custodial interrogation of the applicants is necessary to find out the exact plan through which the first informant was duped of his large amount. In view of this matter, no case for anticipatory bail is made out. Hence, the application is rejected.

(SARANG V. KOTWAL, J.)