

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

ANTICIPATORY BAIL APPLICATION NO.2714 OF 2018

Vishwajit Shivajirao Mane

.... Applicant

versus

The State of Maharashtra.

.... Respondent

.....

- Mr.Pramod G. Kathane, Advocate for Applicant.
- Mrs. A. A. Takalkar, APP for the State/Respondent.
- Mr. S. B. Rathod, PSI, Sadar Bazar Police Station, Solapur city present.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.I 289 of 2018 registered with Gadhinglaj Police Station, Kolhapur, under sections 406,420 and 468 r/w. 34 of the Indian Penal Code.

2. The F.I.R. is lodged on 01/12/2018 by one Bajirao Bandu Hodge. He has mentioned that his elder son Rahul is ME Civil Engineer and he has completed his Masters in Engineering.

The first informant was knowing one Dashrath Mulik, who had represented to the first informant that he was in a position to procure job for first informant's son Rahul. He represented that the first informant would have to spend Rs.12 lakhs. It is further case of the first informant that Dashrath Mulik introduced the present applicant to him. According to the informant, present applicant represented to him that he was one of the Directors in Food Corporation of India and that he would procure job for his son. The applicant and Dashrath Mulik demanded Rs.4 lakhs for the said purpose. The first informant gave Rs.4 lakhs by transferring money on the applicant's account in State Bank of India at Gadhinglaj branch. On 14/09/2015 Dashrath approached the first informant and gave him appointment letter purportedly issued by Food Corporation of India, Pune. When the informant's son went to join the duty he came to know that the appointment letter was forged and he was cheated. Thus the present applicant and Dashrath cheated him of Rs.4 lakhs. On these allegations, F.I.R. was lodged.

4. Heard learned counsel Mr. Pramod Kathane for the

applicant and learned A.P.P. Mrs. A. A. Takalkar for the State.

5. Learned counsel for the applicant submitted that the alleged cheating took place in the year 2015 and F.I.R. is lodged on 2018. He further pointed out that the first informant had lodged private case U/s.138 of the Negotiable Instrument Act, bearing C.C.No.279 of 2017 in the court of J.M.F.C. Gadhinglaj against the present applicant and there is no whisper about the incident of cheating etc. As against this submissions, learned A.P.P. submitted that the appointment letter of Food Corporation of India is forged.

6. By the earlier orders dt.07th January, 2019, this court (Coram: N. W. Sambre,J.) had observed that the applicant had undertaken to deposit total amount of Rs.5 lakhs with the Investigating officer. Today the learned counsel for the applicant makes a statement that Rs.5 lakhs has been deposited by the applicant with the investigating officer. This fact is accepted by learned A.P.P. as per report of the investigating officer, which is taken on record and marked as Exhibit 'X'.

7. From the submissions, it is clear that the alleged act of

cheating and forgery has taken place in the year 2015 and there is no explanation as to why F.I.R. is lodged after a long gap of three years. The first informant has also filed a private complaint against the present applicant, as mentioned earlier. That complaint may pertain to different transaction, but it is difficult to believe that it after being cheated in the year 2015, the first informant would have entered into another transaction with the applicant in the year 2017.

8. The forgery alleged is in respect of an appointment letter, however, the F.I.R. shows that said letter was produced by Dashrath Mulik and not by the present applicant.

9. The applicant has established his bonafides by depositing Rs.5 lakhs with the Investigating officer. The said amount is more than the amount for which the first informant is alleged to have been cheated for. Taking into consideration all these aspects, the applicant has made out a case for grant of anticipatory bail.

10. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.I 289 of 2018 registered with Gadhinglaj Police Station, Kolhapur, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station from 19/06/2019 to 21/06/2019 between 3.00p.m. to 5.00p.m. and shall co-operate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)