

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

ANTICIPATORY BAIL APPLICATION NO. 615 OF 2019

Navalkishor Annasaheb Shinde	...Applicant
Vs.	
State of Maharashtra	...Respondent

- Ms. Rati Sinhasane I/b Mr. Umesh R. Mankapure, Advocate for the Applicant.
- Ms. S. S. Kaushik, APP for the State
- Mr. Yunus Ismail Shaikh, PI, EOW, Pune.

CORAM : SARANG V. KOTWAL, J.
DATE : 6th AUGUST, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with CR No.109/17 registered at Chaturshrungi Police Station, Pune under Sections 420 and 406 of the IPC.
2. The offence is registered on 1st March 2017 on the basis of the FIR lodged by one Abhay Patil. He has stated in his FIR that he was owing a Nursing Home at Khandala, Dist. Ratnagiri. His son had passed 12th standard examination in the year 2016. The first informant made inquiries to enable his son to join NEET classes for admission for MBBS course. He came in contact with one Satyam Chauhan. That person told the first informant that if

the informant was interested in getting direct admission for his son for that course, he was in a position to do that work. Believing him, the first informant gave him Rupees Forty Lakhs. The said person, Satyam Chauhan, also obtained further Rupees Ninety Thousand for fees of the college. However, neither any admission was given to the informant's son, nor the money was returned and therefore, the FIR was lodged.

3. Heard, Ms. Rati Sinhasane, learned counsel for the applicant and Ms. Kaushik, learned APP for the State.

4. Learned counsel for the applicant submitted that the FIR is lodged against Satyam Chauhan. There are no allegations that the present applicant ever came in contact with the first informant. She, therefore, submitted that the applicant is not connected with the present crime. She also relied on the bank statement of Kotak Mahendra Bank in the name of the present applicant, which does not show any entry of receipt of any money.

5. As against these submissions, the learned APP relied on the investigation papers. They include statement of one Abhra Rai, which is recorded on 14th March 2017. This witness has stated that

the present applicant had represented to this witness that he was in a position to obtain admission in any course. In March 2016, aforementioned Satyam Chauhan made inquiries with this witness Abhra Rai if knew any person who was in a position to secure admission for students for MBBS course. That time Abhra Rai had informed Satyam Chauhan about present applicant. It is further mentioned by the said witness that the accused Satyam Chauhan gave this witness some amount. The present applicant directed this witness to transfer that amount in the applicant's account held with Bank of India, Pimpri. After a few months, Satyam Chauhan told this witness that he had paid about Rupees Forty Five Lakhs to the present applicant for securing admission of various students for MBBS course, but the applicant had not done that work and had misappropriated that amount.

6. Learned APP also relied on the statement of one Sharad Chive recorded on 4th March 2017. He has stated that the present applicant had met this witness and this witness had collected money from Satyam Chauhan and deposited it in the account of the present applicant. Thus, there are witnesses showing that there

were regular transactions between Satyam Chauhan and present applicant. The *modus operandi* was that the present applicant had represented to others that he was in a position to secure admission for students for MBBS course, the amount was accepted by Satyam Chauhan and thereafter, amounts were transferred in the account of the present applicant.

7. The learned APP relied on the statement of Bank of India, Pimpri and Kotak Mahendra Bank, showing deposits of money. There are cash deposits in his accounts. Both these factors, at this stage, show applicant's involvement in the present crime. Learned APP submits that total amount involved in the entire offence is about Rupees One Crore Thirty One Lakhs Seventy Five Thousand.

8. In this view of the matter, custodial interrogation of the applicant is necessary. Applicant has not made out a case for grant of anticipatory bail. Hence, application is rejected and disposed of accordingly.

9. Learned counsel for the applicant makes a statement that pursuant to the earlier order passed by this court, applicant has deposited Rupees Twenty Lakhs in this court. Since the application

is rejected and disposed of, the applicant is permitted to withdraw this amount, which he has deposited.

(SARANG V. KOTWAL, J.)