IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.961 OF 2019

Mohammed Saleh Gul Khan .....Applicant

Vs.

The State of Maharashtra .....Respondent

Mr. Sunny Singh for the Applicant.
Mr. Amit Palkar APP, for the Respondent-State.
Mr. Imran Shaikh, PSI, Bandra Police Station is present.

CORAM : A. S. GADKARI, J.
DATE : 23rd APRIL, 2019.

P.C.:-

1] This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in connection with C.R. No. 756 of 2018 dated 14/12/2018 registered by Bandra Police Station, Mumbai, for the alleged offence punishable under section 420, 506(2), 504 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] The First Information Report is lodged by Mr. Rajesh Lingade.

It is the prosecution case that, the informant got acquainted with the applicant through Mr.Dinesh Jadhav. The applicant represented the informant that, he was working on various Government Committees and is holding charge of various Government Organizations. He also represented that, he has acquaintance with many Union Ministers and leading political workers of various political parties. He further represented Mr.Dinesh Jadhav that, the informant is a good social worker and despite putting in substantial period of his life in social work, he could not get a good post in Government Organization. The applicant assured to the informant to get a good post in Government Organization or committee provided the applicant incurs money in that behalf. Believing the representation made by the applicant, the informant paid a total sum of Rs.11,46,000/- to the applicant under bonafied believe that the applicant will get the informant a posting in Government Organization such as J.N.P.T., B.P.T., Shipping Corporation or Home Ministry. That in the month of August 2015 the applicant gave a letter dated 06/08/2015, to the informant which was addressed to Shri. Omprakash Yadav, allegedly issued by the Minister of Road Transport Highways & Shipping Government of India, New Delhi mentioning therein that, the concerned authority has received a letter dated 26/06/2015 from Shri. Omprakash Yadav dated 06/08/2015 regarding nomination of Shri. Rajesh Sitaram Lingade and the matter is being examined. Thereafter, the informant persuaded the applicant to give the post in the same Government Organization. It is stated that, on 02/02/2016 the informant received a letter from Government intimating that, he has been appointed as non-government member on Hindi Advisory Committee. Despite lapse of many months the informant did not get appointment letter from the said committee. It is alleged that on one or two occasions applicant threatened the informant, if he would continue to demand the money back, he would file a false complaint in police. In due course of time the informant realized that, the applicant has cheated him and in the premise the present crime is lodged.

4] The learned counsel for the applicant submitted that, the applicant never represented to the informant that he will give him post in the aforesaid organization. He submitted that, the letter dated 06/08/2015 addressed by the Minister of Road Transport Highways & Shipping Government of India, New Delhi to Shri. Omprakash Yadav is a genuine document. He further submitted that, the applicant was protected by interim relief by the Trial Court and therefore, the applicant may be further protected by pre-arrest bail by this Court.

5] At the outset, the learned APP on instructions submitted that, the alleged letter dated 06/08/2015 which is annexed at page No.23 is a bogus document. It is submitted that, the investigation conducted so far indicates that, no such letter has been issued by the Ministry of Road Transport Highways & Shipping Government of India, New Delhi to Shri. Omprakash Yadav. It is a matter of fact as mentioned in FIR that the applicant has accepted Rs.3,46,000/- by way of bank transactions and it is alleged that the applicants has further induced the informant to part with an amount of Rs.8,00,000/- in cash. The informant in detail has given the dates and place, where he handed over the cash amount to the applicant. It is categorically stated in the FIR that, the deceased wife of the informant on certain occasions had taken photographs of the said transactions and those are handed over to the Police. The allegation against the applicant that he assured the informant that he will given a post in the Government Organization and has accepted the aforesaid Rs.11,46,000/- is a serious allegation. Further, the issuance of alleged bogus letter dated 06/08/2015 by the Ministry of Road Transport Highways & Shipping, Government of India, New Delhi is a matter of investigation and for that thorough interrogation of the applicant by the police is necessary.

6] In view of the above and after taking into consideration, the serious allegations against the applicant and gravity of the offence, this Court is of the opinion that, the applicant does not deserve to be protected by pre-arrest bail.

7] Application is, accordingly, rejected.

(A.S. GADKARI, J.)