

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

ANTICIPATORY BAIL APPLICATION NO.1004 OF 2019

Smt. Smita Vitthal Mulik Applicant

versus

The State of Maharashtra Respondent

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- Mr.Pravin Dabade i/b. Vikas B. Shivarkar, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- PSI Mr.B.R. Kote, Yerwada Police Station, Pune, present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11th SEPTEMBER, 2019**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.194/19 registered with Yerwada Police Station, Pune, under sections 420, 406, 467 r/w 34 of the Indian Penal Code.

2. The FIR in this case is lodged by one Saddam Nisar Shaikh on 15/03/2019. He has stated that he was working in a Pathology as Technician. On 04/10/2016 one Deepak Raosaheb

More introduced him to the present Applicant and one Sunil Ghare. They told the informant that the Applicant and Sunil Ghare were in a position to procure job for him in Pune Municipal Corporation. For that purpose, the informant was required to pay Rs.5,00,000/-. The informant paid Rs.1,50,000/- to the Applicant through cheque. On 21/07/2017 Sunil Ghare sent him a copy of an order showing his appointment. He was told by Sunil Ghare that his medical examination was to be conducted on 25/07/2017 and he was asked to deposit the balance amount. The informant paid Rs.3,00,000/- lakhs and thereafter he came to know that the order was forged and he was not getting any job. Therefore he was convinced that he was cheated for Rs.4,50,000/-. He also came to know that his friend Rajendra Balu Gade was also similarly cheated. Rs.4,50,000/- was taken from him and Rs.50,000/- was returned. On this basis, FIR is lodged.

3. Heard learned Counsel Mr.Pravin Dabade for the Applicant and learned APP Ms.S.S. Kaushik for the State.

4. Learned Counsel for the Applicant at the outset prayed for withdrawal of this application. However, considering background of the case, I am not inclined to allow the Applicant to withdraw this application, because on the last occasion, a statement was made on behalf of the Applicant that he was willing to deposit Rs.3,00,000/- in this Court and the Applicant had no objection if the amount was withdrawn by the informant. On the basis of this statement, interim protection was granted to the Applicant. Till today, no such amount was deposited in the Court.
5. Learned APP makes a statement in the Court that the Applicant has not honoured his commitment. Learned APP further pointed out that besides the present informant and his friend Rajendra mentioned in the FIR, there are five more victims and the total amount taken by the Applicant and her companion was more than Rs.18 lakhs.

6. I have considered this aspect of the matter. The offence is clearly made out in the FIR. The amount is taken from the victims and forged orders were prepared. The commitment that was made, was dishonoured. In this background, the Applicant does not deserve any sympathy. Her custodial interrogation is necessary to find out exact nature of conspiracy to trace the other accused. Therefore no case of anticipatory bail is made out. The application is dismissed.

(SARANG V. KOTWAL, J.)