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

***CRIMINAL BAIL APPLICATION NO.1874 OF 2019***

|                          |               |
|--------------------------|---------------|
| Kishor Arun Bhamare      | ...Applicant  |
| Versus                   |               |
| The State of Maharashtra | ...Respondent |

Mr.A.R.Pitale, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent - State.

PSI – R.M.Kadam, Crime Branch, AEC, Thane, is present.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 24<sup>th</sup> SEPTEMBER, 2019***

**P.C. :**

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-418 of 2018 registered with the Kalwa Police Station, Thane, for the alleged offences punishable under Sections 420, 465, 467, 468, 471, 475, 476, 484, 485 r/w 34 of the Indian Penal Code.
3. Perused the papers. According to the prosecution, Rakesh

Salunkhe (original accused no.1) pretended that he was a railway contractor acquainted with the higher officers in the railway administration and as such assured the complainant and several others to secure job for them in the Railway Department. It is alleged by the persons who took the examination that Rakesh had assured the complainant and others that he would give employment to the candidates in the railway and took a sum of Rs.1 lakh each from the said candidates, including the complainant. Accordingly, Accused No.1 - Rakesh is alleged to have collected an amount of Rs.1,50,00,000/- odd from various candidates. It appears that after the said amount was collected, Rakesh prepared hall-tickets for conducting railway examination with the assistance of the applicant. It is alleged by the prosecution, that the applicant was present at the time when the alleged sham railway examination was taken, as a Supervisor. After the complainant and the others realised that they were cheated, the aforesaid complaint was filed as against the applicant and others.

4. Learned Counsel for the applicant submits that the applicant was a professor in Yashwantrao Chavan Open University and was also a visiting faculty member in several colleges at Kalyan. He submits that infact the applicant was cheated by Rakesh, inasmuch as, Rakesh disclosed to the applicant that he was a Class Teacher and that he wanted to conduct

a mock drill of the railway examination and accordingly, requested the applicant to arrange for a room in one of the college/school, where the applicant was teaching. Learned Counsel for the applicant submits that the applicant introduced Rakesh to the faculty members, pursuant to which, one class room was allotted to Rakesh for conducting the mock drill for the railway examination. According to the learned counsel, Rakesh asked the applicant to remain present along with others as Supervisor in the said mock drill, pursuant to which, he agreed. He submits that the aforesaid fact is reflected in the statement of the Manager of the School. According to the learned counsel, the applicant had no knowledge that the applicant had induced the complainant and several others to part with huge amounts of money, by misrepresenting to them, that what was being conducted by the applicant was a real railway examination and not a mock drill as disclosed to the applicant. In the investigation, that was conducted, it appears that Rakesh had given the applicant a sum of Rs.4,50,000/-, out of which, Rs.62,000/- has been recovered. Whether or not, the applicant had knowledge of the fact, that what was being conducted by Rakesh was a real examination or a mock drill, is a matter which will be decided by the trial Court. The applicant is in custody since November, 2018. The applicant has no antecedents. Investigation is complete and charge-sheet is filed and hence continued detention of the applicant is not warranted.

5. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

**ORDER**

- (i) The Applicant be released on cash bail in the sum of Rs. 20,000/-, for a period of six weeks;
- (ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- (iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial

Court.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

***REVATI MOHITE DERE, J.***