

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1478 OF 2019**

Vinodkumar Sushil Jha

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Sandeep Mishra for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

API Mr. Phad from Wagle Estate Police Station, Thane, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 10th JULY 2019

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-87 of 2019 registered with the Wagle Estate Police Station, Thane, for the alleged offences punishable under Sections 420, 468, 471, 406 r/w 34 of the Indian Penal Code.

3 Learned counsel for the applicant submits that the applicant had taken money from the complainant for some other transaction between them. He submits that co-accused Ramnarayan Paswan and Manojkumar

Sinh are the main accused and that there is no material to connect the applicant with the alleged offences.

4 Learned A.P.P has tendered the papers of investigation and the statements recorded, which point to the complicity of the applicant.

5 Perused the papers. According to the prosecution, between the period 20th August 2017 and 1st October 2017, the applicant and co-accused, cheated the complainant-Kundarkumar Sinh and several others for huge amounts, after assuring them a job in the Indian Railways. Several witnesses have categorically stated how the applicant induced them to part with money after assuring them a job either in the Bank or with Indian Railways. Witness-Vikaskumar, a resident of Chhatisgarh, has stated that he had given Rs. 2,00,000/- for securing job as a TC in Indian Railways. It appears that the applicant has executed a notarized agreement in favour of Vikaskumar. The statement of Mohd. Ali Mainuddin Teli Shaikh also shows that the applicant had promised to get him a job in a Bank and had taken an amount of Rs. 11,00,000/- and thereafter, as the said job could not be given, the applicant promised to give him a job with Indian Railways

and collected an additional amount. The said witness has alleged that he had paid an amount of Rs. 20,00,000/- to the applicant.

6 Similarly, there are several statements of several witnesses, which clearly point to the complicity of the applicant and shows that the applicant has taken huge amounts of money i.e. in lakhs, by assuring to give the said witnesses a job in the Indian Railways as a TC. Infact, about 2 to 3 persons were also sent to Calcutta for training for four months.

7 Considering the *prima facie* material on record against the applicant, this is not a fit case to grant pre-arrest bail to the applicant. The application is accordingly rejected.

8 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application and if an application for regular bail is filed, the same shall be considered on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.