

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1526 OF 2019

Krushnakant Vidyadhar Patil	]	... Applicant
Versus		
The State of Maharashtra	]	... Respondent

Mr. Kuldeep Patil, Advocate for the Applicant.

Mr. Prashant Jadhav, APP for the State/Respondent.

Ms. N.P.Patil, PSI attached to Pen Police Station, District Raigad present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 12th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.I-87/2019 registered with Pen Police Station, District Raigad u/sec. 420, 468, 471 r/w 34 of I.P.C.

2. The FIR is lodged by one Vinod Patil on 10/05/2019. He has mentioned in his FIR that he has studied upto 12th standard. He was working with a private company. But he wanted a government job. It is alleged that one Shashikant Patil was known to him. He called the first informant and his friend to his house. At that time, the present applicant was present there. The said Shashikant Patil represented to

the first informant that he could obtain jobs for them, but for that purpose they had to pay Rs.10 Lakhs each. At that time, the present applicant told the first informant and others that he was working with the police department and that he will see that the informant and others would not be cheated. He showed the cheque of Rs.5 Lakhs which was given by him for procuring job for his wife. Based on their representation, the first informant and his friend Rushikesh decided to give that amount. It is the case of the first informant that, he himself and Rushikesh gave Rs.14,75,000/- to Shashikant Patil, the present applicant and one Sachin Patil. Thereafter, the first informant and others were given appointment letters purportedly issued by the Railway Recruitment Board for Western Railway as well as Central Railway. However, the first informant and others were never called to join their duties. On inquiry, they came to know that, the appointment letters were forged letters and they were not in a position of getting any job. Though, some amount of other victims have been returned, the present first informant's amount was never returned. Based on these allegations, the FIR is lodged.

3. Heard Mr. Kuldeep Patil, Ld. Counsel for the Applicant and Mr.Prashant Jadhav, Ld. APP for the State/Respondent.

4. Mr. Patil, Ld. Counsel for the applicant submitted that even the present applicant is a victim, because he himself had paid Rs.5 Lakhs to procure job for his wife. No job was given to his wife. Therefore, he was also cheated by the other main accused. He submitted that the amount collected from the first informant and others were not handed over to the main accused who were supposed to give them jobs. But since the main accused had committed fraud, the amounts could not be returned. To show his bonafide, the applicant tried to compensate some of the victims. But it was beyond his capacity to compensate all of them. He therefore, submitted that the custodial interrogation of the applicant is not necessary and he may be granted anticipatory bail.

5. As against this, Ld. APP pointed out that the victims were cheated and were deprived of their hard earned money because of the representation made by the present applicant.

6. I have considered the submissions made by both the parties. The FIR clearly makes out a case that, the first informant and others

have paid money based on the allegations made by Shashikant Patil and present applicant. The present applicant had shown the cheque of Rs.5 Lakhs which he was to give for procuring job for his wife. The FIR clearly mentions that the first informant and others collected money by selling their cattle and by withdrawing their amounts from their savings. The amounts were given to Shashikant Patil and the present applicant. Therefore, they had lost their money. Thus, they were clearly cheated. In this view of the matter, to trace the evidence of conspiracy and to trace the money, custodial interrogation of the applicant is necessary. The submissions made by Ld. Counsel for the applicant will not enable the applicant to secure the protection from arrest. Considering that, the poor people are cheated on false representation, the evidence is yet to be collected ; it is necessary to interrogate the applicant. Therefore, custodial interrogation of the applicant is necessary. No case for anticipatory bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)