

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

ANTICIPATORY BAIL APPLICATION NO.1931 OF 2019

Jaspreet Singh Brar

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Ram Mani Upadhyay, Advocate for Applicant.
- Mr. Prashant Jadhav, APP for the State/Respondent.
- Mr. Prasanna Jarhad, PSI, LCB Satara.

CORAM: SARANG V. KOTWAL, J.

DATE : 3rd SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 73/19 registered with Satara Taluka Police Station under sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code.
2. The FIR is lodged on 9th March 2018 by one Amol Jadhav. He has stated in his FIR that he is an agriculturist. He came to know that one Shubham Shinde, who was his friend, was in a position to obtain jobs in Military. The present informant and his friend Vaibhav Kanse agreed to pay him

money and secure job in military. In all, they paid Rupees Five Lakhs. Accused Shubham Shinde asked them to bring all the relevant certificates. The informant and his friend were called to Command Hospital, Pune, where the accused Shumbam Shinde introduced them to another accused Bhagwan Shirtode. Then they were taken to another room, where another person, who was in military uniform, conducted their preliminary medical test or at least made a show of conducting such test.

3. Thereafter, on 2nd May 2018, Shubham Shinde called both the informant and his friend Vaibhav to Jihe village and handed over joining letters. However, on 9th May 2018, he telephonically informed them not to join because there were some difficulties. Subsequently, the informant came to know that he and his friend were cheated. Accused Bhagwan Shirtode and Shubham Shinde returned Rupees Three Lakhs, but the remaining amount was not returned, though another cheque of Rupees One Lakh Eighty Thousand was given to the informant. The informant was convinced that he was cheated and thus, this FIR was lodged.

4. Heard, Mr. Upadhyay, learned counsel for the applicant as well as Mr. Jadhav, learned APP for the State.
5. Learned counsel for the applicant submitted that he was not on duty at any time in Command Hospital, Pune. He was on duty in the Military Hospital at Pune, which was 7 kilometers away from the Command Hospital. He submitted that the applicant has unblemished record of 17 years. The applicant was not named in the FIR. He submitted that his name is not Brijpal Singh and the person named in the FIR is not the applicant.
6. Learned APP submitted that the informant and his friend are not the only victims, there are almost 100 other victims and some of the victims have identified the photographs of the present applicant as the person who had conducted medical tests by wearing military uniform. The name plate showed the name as Brijpal Singh. Therefore, the present applicant's complicity is shown clearly.
7. I have considered all these submissions. Though in the FIR, there is no direct reference to the present applicant.

However, the concluding paragraph mentions him. This FIR cannot be treated as baseless because during the investigation the police have recorded statements of other victims like Vikas Chavan. He has stated that the person in uniform with nameplate of Brijpal Singh had made a show of conducting medical test. The victims and others have identified the applicant's photograph as the person who had conducted the medical test. Admissibility part of such identification is the subject matter of trial, however, at this stage, sufficient material is available with the investigating agency to support its claim of need for custodial interrogation of the present applicant.

8. In this view of the matter, since the custodial interrogation of the applicant is necessary, the present application for anticipatory bail cannot be entertained. Hence, the application is rejected.

(SARANG V. KOTWAL, J.)