IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1994 OF 2019

Shobha Rajendra Shejwal .... Applicant

Versus

The State of Maharashtra .... Respondent

Mr. Milind A. Ingale, for Applicant.
Smt. A. A. Takalkar, APP for the State/Respondent.
Mr. A. P. Kawade, PSI, Ozar Police Station present.

CORAM : SARANG V. KOTWAL, J.
DATE : 13th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 120/18 registered with Ozar Police Station, under sections 406, 409, 417, 419, 420 and 471 r/w. 34 of the Indian Penal Code.

2. The FIR is lodged by one Sudhakar Ghuge on 13/10/2018. He has stated that his sons and his brother's sons wanted to secure jobs at Ozar. The informant came in contact with

the applicant through one Balu Mokal. The applicant represented to him that her near relatives Amol Bhalerao and Roshan Khalkar were in a position to secure job for the informant's sons and his brother's sons. It is further mentioned in the FIR that around September, 2015, the informant met the applicant and other accused Amol, Roshan, Shobha and Yogesh. After discussion with them, the accused showed willingness to do their job for the sum of Rs.21 lakhs. On that occasion itself Rs.4 lakh were accepted by the applicant. The informant was assured that the work would be done within a couple of months. In October, 2015, the applicant and other accused called the informant and his brother Namdev at Ozar and they were handed over two call letters of H.A.L. in the name of Kiran Namdev Ghuge and Pravin Namdev Ghuge. Both of them were called for oral examination on 12/10/2015. On that day, the informant, his brother Namdev, his nephews Pravin and Kiran went to H.A.L. At that time, the applicant and other accused were present. The informant's nephews were taken inside. They were shown some part of functioning of H.A.L. and they were left outside the gate. On the demand of other accused, the informant paid them Rs.5 lakh. In May, 2016, the applicant and others again called the informant and gave two call letters of D.R.D.O. office at Nagpur. The informant's nephews refused to go there. In November, 2016, the informant paid Rs. 3 lakhs more to the other accused. In November, 2016, the informant met the other accused. They demanded money from the informant and introduced three officers from H.A.L. The informant paid Rs.1,15,000/- more. He again paid Rs.8 lakhs. Thus, from time to time, he paid various amounts, but his sons and his brother's sons were not given any job. He realized that he was cheated. The FIR further mentions that the applicant went to the office of the informant's brother and threatened him that she would lodge false complaint against him if informant or his brother ventured into lodging FIR. The informant was convinced that he was cheated and, therefore, he lodged this FIR.

3. Heard Mr. Milind A. Ingale, learned counsel for the applicant and Smt. A. A. Takalkar, learned APP for the State/Respondent.

4. Learned counsel for the applicant submitted that the

applicant has not committed any offence. She herself is victim at the hands of other accused. He relied on the order dated 11/06/2019, whereby, co-accused Deepak Mokal was granted anticipatory bail by this court. He further relied on the complaint given by the applicant to Manmad City Police Station on 17/10/2019, wherein, she had made allegations against Namdev Ghuge and Sudhakar Ghuge i.e. informant and his brother mentioning that the informant and his brother had obtained money from her for giving job. He, therefore, submitted that, in this backdrop, the applicant deserves protection of anticipatory bail.

5. Learned APP opposed this application and pointed out that the applicant is absconding since October, 2018. The charge-sheet is filed against other accused and there are total 14 victims from whom similar amount was obtained by the applicant and other accused in securing jobs. The total amount involved in the fraud is more than Rs.38 lakhs.

6. I have considered these submissions. The order granting anticipatory bail to the accused Deepak will not help the

applicant, because his role was entirely different. He had not obtained any money nor had promised any job. On the other hand, the applicant was present on almost all occasions when money was accepted and even when the fake call letters were given to the informant and his brother. The complaint lodged by the applicant herself shows that it was lodged on 17/10/2018 i.e. after the FIR was lodged against her. This clearly shows that it is lodged as an after thought by the applicant. The specific role is made out in the FIR against the present applicant. She was hand in glove with the other accused in obtaining amount from the informant from time to time. The fake call letters were prepared and given to the informant and his brother, therefore, custodial interrogation of the applicant is absolutely necessary. No case for grant of anticipatory bail is made out.

7. Application is rejected.

(SARANG V. KOTWAL, J.)