

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

ANTICIPATORY BAIL APPLICATION NO.2090 OF 2019

Prakash Ashtamkar

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Kuldeep S. Patil, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.303/19 registered with Panvel City Police Station, Navi Mumbai, under sections 420 r/w 34 of the Indian Penal Code.
2. The FIR is lodged on 26/07/2019 by one Ajinkya Pravin Shedge. He has stated in his FIR that in August 2015 the Applicant and his friend Sagar Bhagat met him and represented

to him that they could help him in getting a job as a Clerk in Mantralaya. Both of them met informant at Panvel S.T. stand and they had quoted their charges at Rs.8 lakhs for the job of Clerk and Rs.4 lakhs for the job of Peon. Both of them convinced the informant. Sagar Bhagat took some documents and obtained signatures on blank papers. They told that money should be paid to the Applicant. Accordingly, the informant paid Rs.6 lakhs, in all, through cheques to the Applicant from March to June 2016 some more amount was paid to Sagar Bhagat. The informant was given a call letter and he was asked to visit a website showing his name as one of the selected candidates. After a few days, that website was not in existence. The informant made further enquiries and he came to know that he was cheated and had lost Rs.8,50,000/-. He was given forged call letters and no job was offered to him. On this basis FIR was registered.

3. Heard learned Counsel Mr.Kuldeep S. Patil for the Applicant and learned APP Ms.S.S. Kaushik for the State.

4. Mr.Patil submitted that the Applicant himself is a victim. According to him, the police report shows that after the money was received by the Applicant, it was transferred to the main accused Sagar Bhagat. According to Mr.Patil, said Sagar Bhagat is the main culprit and the Applicant had taken money only to be given to the main accused. The Applicant himself was victimized by the Sagar Bhagat by promising him to procure job for Applicant's daughter and even the Applicant had paid money to Sagar.

5. Learned APP opposed this application on the ground that offence of cheating and misappropriation is clearly made out in the FIR.

6. I have considered these submissions. The FIR clearly shows that the amount was accepted by the Applicant. Whether it was further given to Sagar, the main accused, is of no consequence. It was the representation made by the Applicant to the first informant that had convinced him to part with his

money. After that forged call letters were given and fake website was used by the accused. The offence is serious. Though Mr.Patil submitted that the Applicant had helped the main accused only in collecting money and he himself had lost money because he wanted to secure a job for his daughter, that cannot be a ground for protecting him because in the first place the Applicant should not have indulged in such illegal activity in procuring government job for his daughter and other relatives. In this view of the matter, to unearth the manner of commission of this offence and to find out the exact nature of his role, custodial interrogation of the Applicant is necessary. There is no merit in the application. The application is therefore rejected.

(SARANG V. KOTWAL, J.)