

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.495/2019

Ranjana Prabhakar Rao Admane

..VS..

State of Mah., thr. Officer-In-Charge of Police Station Hudkeshwar, Tahsil
and District Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

Shri H.R.Gadhia, Counsel for the Applicant.
Shri N.R.Rode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : AUGUST 30, 2019.

1. Development of Nagpur City has opened a new gate to create a grazing ground for unscrupulous persons to allure unemployed youths with a promise that they will get good job in Nagpur Metro Railway, however for that they will have to part with amount and in exchange of that amount they will get employment. There is no dearth of unemployed youths in Nagpur City like in other parts of the country. Unemployed persons are always anxious to secure employment, maybe for that they are ready to fulfill illegal demands of such unscrupulous persons.

2. At this stage, this Court need not examine the aspect of parting with money to procure the job. However, fact remains that when they find themselves cheated by unscrupulous persons, they approach to police authorities.

.....2/-

3. Obviously, such an offence is a white collar offence and the said cannot be committed singularly but it is committed by a syndicate of persons in connivance with each other. In common parlance, this group is known as Job Racket in our society. Members of this Job Racket, in my view, function like shark. They always roam in society and their intention right from beginning is to identify desperate job seekers who are ready to part any amount merely on promise that they will be provided good job.

4. The applicant, it appears from reply filed by Investigating Officer and from submissions of learned Additional Public Prosecutor, is a person who has a definite role to be played as a shark in such job racket.

5. Submission of learned counsel Shri H.R.Gadhia for the applicant, is that the applicant is a lady and an innocent one and in fact she herself is one of victims inasmuch as according to him, her nephew, is also cheated. It is also submission of learned counsel for the applicant that as per *interim* order granted by this Court (Coram : Manish Pitale, J.) on 23.7.2019 to the applicant, she has attended police station and, therefore, further custodial presence of the applicant is not at all necessary. One of his submissions is that if First Information Report is examined thoroughly, it is not allegation in First Information Report that the applicant collected money. Collection of money is by co-accused. According to learned counsel for the applicant, persons who collected money are already released on bail and, therefore,

on the ground of parity also the applicant is entitled for relief.

6. As observed in preceding paragraphs of this order, members of syndicate are having definite role to play. From the case of the prosecution, it appears that role ascribed to the present applicant is to identify desperate job seekers in society, allure them, and bring them in contact with other co-accused who has to play further role.

7. First Information Report is lodged by Chandrashekhar Lehandas Uke on 24.10.2018. It shows that he is acquainted with the present applicant. In month of July 2018, as per the First Information Report, the present applicant informed the first informant that co-accused Prashant and Pallavi can provide jobs in Nagpur Metro Railway after obtaining money from persons seeking job on post of Engineers and Administrative Assistants and to provide such job, the person is required to pay Rs.12.00 to 15.00 lacs. It is also disclosed in the First Information Report that the present applicant asked the first informant that those who are ready giving money, they will be provided employment. As per the First Informant Report, it appears that since the First Informant was eager to see that his nephew is settled in life by getting a good job, agreed the proposal that was given or placed before him by the present applicant. Thereafter, the present applicant arranged meeting of the first informant with co-accused Prashant and Pallavi. As per the First Informant Report, he agreed to pay

Rs.8.00 lacs for securing post of Senior Manager in Nagpur Metro Railway and accordingly on 30.8.2018 he handed over Rs.4.00 lacs to Prashant and Pallavi and, thereafter, they arranged meeting with one Ravi Satyakumar. Thereafter, on 2.9.2018, joining order of Nagpur Metro Railway was shown to the first informant and his nephew and it was agreed that remaining amount Rs.4.00 lacs will have to be paid before getting joining order. As per the First Information Report, remaining amount of Rs.4.00 lacs was also paid. The First Information Report also states that for getting the said joining order, on 7.9.2018 the first informant and others went to Nagpur Metro Railway Office situated at Civil Lines. When they were waiting for joining order, they also noticed that 7-8 other persons were also waiting for obtaining joining orders. That time, the applicant along with co-accused went inside Nagpur Metro Railway Office and after some time they came and disclosed that Human Resource Manager (HRM) is not there since there is a death in his family and, therefore, they were asked to attend the office on 12.9.2018. Accordingly, again on 12.9.2018 the first informant and others went to Nagpur Metro Railway Office and on that day also the applicant was present along with co-accused. The first informant further stated that, thereafter, Prashant, Pallavi, and the present applicant went inside the office and after some time they came only to state to the first informant and others that they will have to wait for another one month for getting necessary orders. The

First Information Report further states that after some day, when his nephew shown soft copy of order which was given on his cellphone to concerned officials of Nagpur Metro Railway, officials informed his nephew that said joining order is a bogus and fabricated one and at no point of time such order is issued by Nagpur Metro Railway. With this, the report was lodged and crime was registered.

8. It is true that reading of the First Information Report shows role is not ascribed to the present applicant that she has actually received amount. However, role of the present applicant is clearly spelt out in the prosecution case that the applicant works with a definite intention as to give a shape to commission of actual offence of receiving amount from needy persons with a promise to give employment.

9. It appears that the applicant used her acquaintances with the first informant to introduce him with co-accused and before introducing the first informant to the co-accused she prevailed upon mind of the first informant that nephew of the first informant can secure a good job in the Nagpur Metro Railway by handing over money to co-accused.

10. It is really not possible to accept the submissions of learned counsel Shri H.R.Gadhia for the applicant, that she is one of victim. In view of her conduct, which shows that on 7.9.2018 she along with co-accused gained entry in Nagpur Metro Railway Office by asking the first informant and others to wait outside the office and after spending some

time inside the office, she came along with other co-accused and disclosed that it will not be possible on the said day to receive joining order since there is a death in family of Human Resource Manager (HRM) of Nagpur Metro Railway. Then, the applicant along with co-accused asked the first informant and others to again visit on 12.9.2018 and again on the said day the applicant was present with co-accused and went inside the office after asking the first informant and others that they will have to wait outside the office and after some time it was disclosed that one month will be required to obtain order.

11. The aforesaid facts which are available in case diary clearly show that there is chain and events of 7.9.2018 and 12.9.2018 are couplings in chain.

12. Insofar as submission of parity is concerned, the said is required to be rejected inasmuch as co-accused Pallavi and Prashant were arrested and after their arrest they were released on regular bail.

13. Present is the case for grant of anticipatory bail. It is quite possible that, insofar as Prashant and Pallavi is concerned, investigation must have been complete, however *qua* the applicant investigation is in progress. Therefore, release of co-accused on regular bail, in my view, is not helpful to the applicant.

14. Merely because the applicant was granted anticipatory bail that is not sufficient to confirm the said order especially when it is submission of learned Additional

Public Prosecutor Shri N.R.Rode for the State, on the basis of case diary which is available with him, that investigation *qua* the present applicant is not done and during the period when she attended police station she has not cooperated with investigating agency fully.

15. Upshot of the aforesaid discussions, leads me to pass following order:

ORDER

- (i) The criminal application is rejected.
- (ii) Interim order dated 23.7.2019 stands vacated.
- (iii) It is expected from Investigating Officer to take immediate steps in accordance with law.
- (iv) The criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

...../-