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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.105 OF 2021

Jitendra s/o Bandu Bhosale = APPLICANT

VERSUS

The State of Maharashtra = RESPONDENT/S

Mr.PB Kamble, Advocate for Applicant/s;

Mr.AV Deshmukh, APP for Respondent-State.

CORAM : SMT.VIBHA KANKANWADI, J.

DATE : 1st April, 2021.

PER COURT :-

1. Present applicant, who is accused No.1 in CR No.174/2018, who came to be arrested on 1.8.2018 by Gangakhed police station, District Parbhani, for the offences punishable under Sections 420, 406, 465, 468, 471, 473 read with 34 of IPC. This is his second application before this Court, seeking bail under Section 439 of Cr.P.C. His earlier Bail Application No.1189/2018 came to be withdrawn by him on 24.10.2018.

2. Heard learned Advocate and learned APP appearing for respective parties.

3. It has been vehemently submitted on behalf of the applicant that the applicant is in jail since last more than two years and there is no much progress in the matter. His vital rights to

have expeditious hearing/trial is hampered. Perusal of the FIR would show that the alleged amount of misappropriation or cheating has been collected by original accused Nos.7 and 8. It is alleged that they have collected the amount of Rs.66,50,000/- from various persons under the pretext that they would give jobs in Government Officers, especially in Health Department. It is stated that in order to get that amount, these accused persons have issued false documents; appointment orders and even signatures have been obtained falsely. However, as regards present applicant is concerned, no role has been attributed to him. There is no direct, indirect or circumstantial evidence against him. His name came to be figured out in the interrogation of the co-accused, which is inadmissible in nature. Charge sheet came to be filed in 2018. Therefore, further physical custody of the applicant is not required. It is, therefore, prayed that he be released on bail.

4. Per contra, learned APP strongly opposed the application and submitted that the present applicant is the master-mind and the entire group of the accused, has taken disadvantage of unemployment of the informant and others witnesses under the pretext that they would be provided jobs in Government department. Huge amounts have been extracted from them, by way of RTGS mode or Net-Banking. While searching the place of the accused persons, many fabricated documents, which are objectionable in nature, have been found. Even

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from the present applicant/accused, when his house was searched, several documents, in the form of Orders, allegedly issued of regularizing certain persons; appointments on contract basis and transfer of employees, have been found, which are in the style of Government Orders. But, no such orders were ever issued by the Government. The amount that was collected from various persons is to the tune of Rs.66,50,000/-. Therefore, taking into consideration the magnitude of the offence, the applicant does not deserve any sympathy.

5. At the outset, it is to be noted that the FIR that is filed by one Suresh Baburao Rathod, would show that he is educated unemployed and was in search of job. It was made known to him that accused No.4 and 8 have given the jobs to several persons as Clerks in Health Department. After the meeting, it was told that the informant and his friend would require to give an amount of Rs. 8,50,000/- each for the job and accordingly they had given about Rs.4,00,000/- each to accused No.4. There are Whatsapp conversations those have been reflected. It was made known to them that when they would pay remaining Rs.4,50,000/- each, they would get appointment order at Mumbai on 4.8.2017. Accordingly, that amount was paid and fake appointment order was given to them. It was later on transpired to be fake order which has led lodging of the report for cheating and other sections. The investigation has then revealed that many persons have been similarly cheated and it

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was, in fact, a complete racket. The present applicant was operating from New Mumbai. The investigation has revealed that he has also received his portion from the said collected amount. Those fake appointment orders have been seized in the matter, which would indicate that it is in the name of many persons. It has been pretended to have been issued by the Government Department. The evidence on record, which is included in the chargesheet, definitely show connection between the alleged crime and the present applicant. Further, the applicant is also involved in CR No.93/2018 registered with CBD Belapur police station for the offences punishable under Sections 307, 392, 143, 144, 147 etc. Therefore, taking into consideration all these aspects coupled with the fact that his earlier bail application has been withdrawn when dis-inclination was shown by this Court. No case is made out to grant any relief to the present applicant. The Bail Application stands rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV