IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.313 OF 2021

Prakash Ganpati @ Ganpat Jagtap = **APPLICANT**

VERSUS

The State of Maharashtra = **RESPONDENT/S**

Mr.Amit S.Savale,Advocate for Applicant/s;
Mr.AM Phule,APP for Respondent-State.

CORAM : SMT.VIBHA KANKANWADI,J.
DATE : 8th April, 2021.

PER COURT :-

1. Applicant came to be arrested on 20-10-2020 in connection with CR No.302 of 2020 by Vimantal Police Station, Nanded, Dist. Nanded for the offence punishable under section 420, 406, 467, 468, 471 r/w 34 of Indian Penal Code. Present application has been filed under Section 439 of Code of Criminal Procedure for bail.

2. Heard learned Advocate Shri. A.S.Savale for the applicant and learned APP Shri. A.M.Phule for respondent-State.

3. Learned Advocate for applicant has submitted that perusal of First Information Report lodged by one Vinod Keshavrao Thorat would show that he was in search of job. He says that his

friend Santosh Hankare told him that he knows present applicant and one Pradeep Patil, who have contacts with military personnel and they would do the work of giving job in military for informant. Informant then says that present applicant and Pradeep Patil had gone to the house of informant and told him that if he wants job, then he will have to give amount. Informant says that he and his two friends agreed to give money for the job. Informant has alleged that he has given Rs.3 Lakhs, his friends gave Rs.3 Lakhs and Rs.4 Lakhs respectively to Pradeep Patil and not to this applicant in March 2019. It is alleged further that remaining amount of Rs.8 Lakhs of all the three persons was deposited in the account of present applicant on 13-05-2019. He also states that they were given appointment letter bearing 16-05-2019 and they were asked to remain present at Patna in Bihar for physical test. Excuses were given and they were called at Jabalpur, Guwahati (Assam). However, no actual appointment has been given. He says that they have been cheated. Perusal of FIR would certainly show that there is delay of more than 18 months. The alleged transfer of amount is in the account of one company by name Fibro Doors Industries Ltd. There is no contract between the company and the informant. There was no reason for the applicant to accept such illegal money. Bail is rule and jail is exception. Now the investigation is over and charge-sheet is also filed. Under such circumstance, further physical custody of the applicant is not required. He is ready to abide by the terms of the bail. He has permanent place of abode. He deserves to be released on bail.

4. Learned APP submitted that there is ample evidence against applicant. Applicant is prima facie involved in the case. The informant has specifically stated in his FIR that applicant was introduced by Satish Hankare, who was the friend of informant’s brother. He was knowing that informant was in search of job. Satish had asked informant to contact his friends who are in need of job. Therefore, two friends of informant joined him. Thereafter, Satish had brought applicant as well as co-accused Pradeep Patil to the house of informant. Representations were made by both of them and believing them to be true, they had parted with huge amount. Applicant himself has received Rs.8 Lakhs. It was electronically transmitted to the account number told by applicant. Now he can not take advantage of the fact that account is not in his personal name. He has connection with that account and the amount has been withdrawn. Informant and his friends were called at various places in the country and it was tried to be shown that accused persons are doing their job. Even appointment letter has been forged and given to them. Under such circumstance, when there is evidence against applicant, possibility of commission of similar crime in future by him can not be ruled out. Investigation is still pending. Therefore, applicant does not deserve to be released on bail.

5. The FIR has been lodged by an unemployed youth, who was desperate to get a job. Even after taking good education, many young persons are not getting job. Unemployment in the country is causing various problems. Many persons are taking disadvantage of the helpless situation of others and they are earning by cheating these needy persons. It is very much unfortunate that the jobs in military, which is one of the strongest wing of defence system of our country, are also assured by way of such corrupt practice. We know that military personnel lay down their lives in adverse situation for the sake of country and for the security of the citizens of India. However, some persons taking disadvantage of their connections want to earn money by illegal means. Those unemployed youths are needy persons and feel that even if they give money for the job now, they would get a source of income for the family and therefore, they sometimes agree for such illegal way. In fact, they should restrain themselves in such illegal practices. Unless youths in our country stop giving money for getting job, may be to some agents or by way of bribe; situation will not improve. There would certainly be many persons who would be waiting for a chance to grab money by way cheating and forgery.

6. Contents of the FIR are reproduced earlier and therefore, it is not repeated again now. Informant is clear in giving story as to how he came to know about applicant and co-accused

Pradeep Patil. Informant has stated that they both had visited his house and impressed that if they want a job in military, then each one of them will have to give Rs.6 lakhs. It is further contended that amount of Rs.3 Lakhs each of two candidates and Rs.4 Lakhs of another candidate were given in cash to applicant and co-accused in the house of informant in March 2019. It was promised by the applicant and co-accused that they would give appointment letter after the remaining amount of Rs.8 Lakhs is paid. Thereafter, informant transferred the said remaining amount on the account of Fibro Door Indu. Pvt. Ltd. That account number was given by present applicant on the whatsapp number of informant. The investigation so far shows nexus between applicant and said company. Thereafter, informant and his friends received appointment letter dt 16-5-2019 issued by Military Engineering Services, Delhi Cantonment, Delhi, Training and Recruitment having seal of Government of India, Ministry of Defence. It was handed over by applicant and co-accused to informant at Nanded and asked them to come to Patna in Bihar State for Medical examination. Thereafter they were also called at Jabalpur in Madhya Pradesh and Guwahati in Assam. Each time some reasons were given for not holding their medical examination. They were giving evasive replies to the questions raised by informant and his friends. Then informant felt that they have been cheated.

7. The story in the FIR definitely shows

active role attributed to present applicant. He has received huge amount. Even the forgery has been done in respect of letter as if it is issued by Ministry of Defence. Therefore, it is a serious offence. Investigation is still not complete. Taking into consideration the manner, in which the offence has been committed, role of the applicant, evidence collected so far, and offence is involving recruitment in military service; the applicant does not deserve to be released on bail.

8. Application stands rejected. The observations made in this order are restricted for the consideration of this bail application only and the Trial Court should not get influenced by them at the time of concluding the Trial. Matter be decided on its own merits.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV