IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1636 OF 2020

Pramod Harischandra Ranware .... Applicant
Versus
The State of Maharashtra .... Respondent

WITH
INTERIM APPLICATION NO. 928 OF 2021

Yogita Shivaji Gunjavate …. Intervenor

WITH
INTERIM APPLICATION NO. 931 OF 2021

Balasaheb Jagannath Kamble & others. …. Intervenors

In the matter between

Pramod Harischandra Ranware .... Applicant
Versus
The State of Maharashtra .... Respondent

Mr. Vikas B. Shivarkar for Applicant.
Mr. S. H. Yadav, APP for State/Respondent.
Mr. Shailesh Chavan for Intervenors in both Interim applications.

CORAM : SARANG V. KOTWAL, J.
DATE : 21st JUNE, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking his release on bail under

section 167 of Cr.p.c. in connection with C.R.No. 243 of 2020 registered at Phaltan city police station, Satara, under sections 406, 420, 467, 468, 471 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Vikas Shivarkar, learned counsel for the applicant, Shri. Yadav, learned APP for the State and Shri. Shailesh Chavan, learned counsel for the Intervenors in both interim applications.

3. The First Information Report (for short 'F.I.R.') is lodged by one Yogita Gunjavate. She has stated that, she had completed her Automobile Diploma in the year 2009. The applicant got acquainted with her when she was working in a showroom. He suggested to her that she was having Automobile Diploma and, therefore, she could easily get a job in R.T.O. office. The informant showed willingness to pay him for securing a job with R.T.O. office. The informant went on giving him money. The applicant went on giving false assurances. The informant paid Rs.1,25,00,000/- in all. For that, her father sold their agricultural land and their flat. They obtained loan from relatives to give money to the applicant. The applicant at one point of time, paid a

cheque of Rs.50 lakhs by way of repayment because job was not given. But that was also dishonoured. The same thing was repeated in January, 2019 and two more cheques were dishonoured. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant came up with a very peculiar proposition of law in the facts of this case mentioning that the applicant is entitled for default bail under section 167 of Cr.p.c. When he was asked to elaborate on his submission, he gave few dates which are as follows:

i) F.I.R. was lodged on 16/07/2020.

ii) The applicant was arrested on 16/07/2020.

iii) The first remand was obtained on 17/07/2020 and importantly the charge-sheet was filed on 09/10/2020.

According to the learned counsel for the applicant himself the last date for filing of the charge-sheet was 15/10/2020. Thus, it was filed well within the stipulated period of 90 days as mentioned. However, it is the contention of learned counsel for the applicant that, it is an incomplete charge-sheet and, therefore, the applicant deserves to be released on bail under section 167 of Cr.p.c. He relied on the observations made by learned Additional Sessions Judge, Satara in his order dated 05/12/2020 passed in Criminal Bail Application No.711 of 2020. In that order, in paragraph No.10 it was observed that, learned APP had conceded that, it was necessary to register separate crimes upon report of each of the victims and also had admitted that important papers were not finding place in the charge-sheet. It was submitted that the investigating officer was planning to seek permission from the concerned Magistrate for submitting additional documentary evidence and statements of witnesses. Bases on these observations, learned counsel for the applicant emphasized that it was an incomplete charge-sheet and, therefore, the applicant is entitled for default bail. Shri. Shivarkar submitted that the forged appointment letters etc. which are important documents, are not filed along with the charge-sheet, therefore, it is an incomplete charge-sheet.

5. Learned APP opposed this application. He submitted that the informant was not the only victim and there were other victims namely Mohan Chavan etc. He submitted that, their

statements elaborately mention as to how they were also cheated.

6. I have considered these submissions. The F.I.R. is pertaining to monetary loss suffered by the informant based on the inducement made by the applicant. So far as other witnesses are concerned, Mohan Chavan has stated that, he had paid substantial amount to the present applicant. Initially, Mohan Chavan paid him Rs.2 lakhs. The applicant had demanded Rs.14 lakhs more. He had also assured that, he would get a job for Mohan's son in law Amol Jadhav at Saswad Municipal Corporation. Said victim Mohan went on paying him. He took loan for that purpose. The applicant had assured Mohan that he would get a job for Mohan's son Sachin in Mantralaya. The applicant had given a fake order to the said victim. Mohan realized that he was cheated. He tried to contact the applicant but he was absconding and was not available. Similar are the statements of other witnesses. One Sachin Kamble has stated that, he had paid about Rs.9 lakhs to the applicant for getting a job for Sachin's cousins who were sons of Sachin's uncle Balasaheb Kamble. The applicant had taken Rs.9 lakhs and had given some fake appointment letter which was also false. He had

named other victims in his statement. They were Srinath Nalawade, Vishal Kamble, Poonam Kamble, Sachin Chavan, Jyotsna Ranvare, Sonali Chavan, Monali Jadhav, Amol Jadhav, Ajit Raut, Amol Bankar and Dayanand Kare. The applicant had taken huge amount from many victims from 2014 onwards. He kept assuring the victims of returning the amount till 2019. Similar are the statements of Balasaheb Kamble, Amol Bankar, Srinath Nalawade and Dayanand Kare. All these statements show that the applicant had taken different amounts from different people by giving fake appointment letters and had cheated all of them. The allegations pertain to the representation and creation of documents right from 2014. The charge-sheet contains a letter at page No.59 of memo of this application wherein the applicant had given a letter of the High Court at Mumbai itself to the first informant. This document was also forged. At page No.58 there is another document wherein the informant was asked to remain present for appointment at Pimpri Chinchwad R.T.O. At this stage, statements of all these witnesses and documents mentioned above are sufficient for the Magistrate to take the cognizance of the offence. Therefore, there is absolutely no force in the submission of Shri. Shivarkar that the charge-sheet filed by the police was incomplete charge-sheet and, therefore, applicant was entitled to be released on bail under section 167 of Cr.p.c.

7. Learned APP has pointed out that the applicant was absconding for eight years and with great difficulty he could be traced. The applicant had preferred an application for bail under section 439 of Cr.p.c. before the sessions court and before this court specific prayer for bail is made only under section 167 of Cr.p.c. Based on this discussion the applicant is not entitled to be released on bail. He has cheated many victims for huge amounts. He was not available and, therefore, in any case he is not entitled to be released on bail. The applicant is also not entitled to be released on bail under section 167 of Cr.p.c.

8. The application is rejected.

9. In view of disposal of this bail application, both Interim Applications do not survive and are disposed of accordingly.

(SARANG V. KOTWAL, J.)