IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 137 OF 2021
(ABA/ST/1028/21)

Mahendra @ Chintu Shivaji Katkar .... Applicant

Versus

The State of Maharashtra .... Respondent

Mr. Aniket Nikam a/w. Aashish Satpute for Applicant.
Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JANUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1032 of 2020 registered at Indapur Police Station, on 24/10/2020, under sections 420, 467, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Aniket Nikam, learned counsel for the applicant and Smt. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.) is lodged by one Navnath Bhosale. He has stated in his F.I.R. that, in

the month of March, 2018 the applicant came to his house and told him that there was a drive for employment in Indian Railways. He represented to the informant that he was knowing certain railway officers. He could get a job for the informant and his wife and for that purpose he will have to spend certain amount. On the next date the applicant came to the informant's house along with five persons namely Ganesh Varpe, Ankush Dhakde, Manoj Gaikwad, Manish Wankhede and Sangesh Dhakde. Out of them, Ganesh and Ankush told the informant that he will have to give Rs.15 lakhs to each of them and then he could get permanent job in railway. They showed screen shots of certain documents including certain joining orders. The informant thought that they were genuine persons. After one week the applicant called him and told him to come near a garden at Indapur. The applicant told him that, he along with Ganesh and others were waiting for him at that place. The informant went there. The applicant and others were waiting for him. At that place, those persons demanded money. The informant showed willingness to transfer money from his account. Therefore, Ankush Dhakde gave him his account number. The informant transferred certain amount on his account. The F.I.R. goes on to mention various instances when the amount was transferred from the informant's account and his wife's account to the account of Ankush. In all, Rs.29,79,870/- were transferred. Subsequently, nothing was done. The informant or his wife did not get any job. The informant pursued this matter with the applicant. Initially, the applicant accepted that it was his responsibility and that he would see to it that his work would be done. But subsequently, the applicant also started avoiding the informant. On this basis the F.I.R. was lodged.

4. Shri. Nikam, learned counsel for the applicant submitted that the applicant himself has lost money to Ankush Dhakde. He relied on two bank entries annexed to this application showing that, amounts of Rs.1,95,000/- and Rs.1,10,000/- were transferred from the applicant to said Ankush Dhakde. He submitted that the applicant himself is as much a victim as the informant. He further submitted that the F.I.R. itself mentions that entire amount was transferred by the informant to the account of one of the accused and not a single rupee has come into the

account of present applicant. There is nothing to show that the applicant has received any amount. He, therefore, submitted that the applicant needs to be protected by an order of anticipatory bail.

5. The learned APP opposed this application and relied on the allegations made in the F.I.R.

6. I have considered these submissions. The F.I.R., in detail has narrated as to how the accused have duped the informant for a big amount of more than Rs.29 lakhs. At the first instance, the applicant himself had approached the informant. First representation was made by the applicant himself. Thus, it is more than clear that, because of this inducement the informant was lured into parting with his big amount. The F.I.R. also shows that the applicant met the informant on a couple of occasions, once in his house and once in the garden. At that time he was with the other accused and he induced the informant to make payment to the other accused. At his instance only the amount was transferred by the informant to the account of other accused namely Ankush. It is significant to note that, if the applicant was a

victim in that transaction, no such complaint was made by him to any of the authorities. Thus, at this stage, the applicant's complicity is clearly reflected in the allegations made in the F.I.R. The custodial interrogation of the applicant is necessary to unearth the conspiracy and collusion between the accused. No case for grant of anticipatory bail is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)