

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 572 OF 2021

Jaydev Singh Parihara	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Shailesh D. Chavan a/w Jitendra Sawant, for the applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd FEBRUARY 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 866 of 2020 registered at Wanwari Police Station, District Pune, on 1/11/2020 under Section 420 read with section 34 of the Indian Penal Code. The applicant was arrested on 1/11/2020 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr. Shailesh Chavan learned counsel for

the applicant and Mr. S.H. Yadav, learned APP for the State.

3. The FIR is lodged by one Akshay Salunkhe. He wanted to join Army. He had submitted an online form for appearing for the Army recruitment process. On 9/2/2020, he went to Beed for his physical examination. He scored full marks. That time he was informed that the written examination would be conducted on 26/4/2020. From March 2020, lock down was imposed. Therefore, the examination was postponed. On 30/9/2020, the first informant went to zonal recruitment Office, Pune for collecting his hall ticket. At that time, he met the present applicant. He told the informant that if he wanted to clear the examination, he had to join the applicant's Academy. The informant saw that the applicant was telling some others also to join his academy. The applicant represented to them that he knew a teacher, who could teach them everything about the examination, but for that they had to pay Rs.1,50,000/- . It is alleged that the

applicant represented that he knew senior officers and he could enhance their marks. The informant went home. Subsequently, the applicant called him again. In October, the informant and his friends went to Lohagaon on the instructions of the applicant. There were others. They stayed in the same room for a few days. One Ravindra Rathod used to teach them. They were given food and residence facility. On 31/10/2020, that teacher gave them 50 questions and told them that the same questions would be asked in the written examination. On the next day, none of the questions was asked. Therefore, the informant and 18 others lodged this FIR. It is alleged that the applicant and his companion had taken their original documents.

4. Learned Counsel for the applicant submitted that the applicant has not earned any money in the whole transaction. He was only acting as a middleman. He is already in custody since 1/11/2020 and his further custody is not necessary.

5. Learned APP relied on the FIR and allegations made similarly by the other victims. Learned APP, on instructions and on the basis of the charge-sheet fairly submitted that the applicant has not received any amount from any of the victims. He further submitted that the documents are already returned to those victims and the applicant is facing disciplinary action in the army.

6. I have considered these submissions. I have perused the charge-sheet with the assistance of the learned Counsel for the applicant. The statements of the victims are similar to the one mentioned in the FIR. At this stage, the prosecution case is that the applicant was instrumental in the victim's stay at a particular place and arranging for the training for written examination. The victims were not made to pay any amount and therefore no wrongful loss is caused to them though they wasted their 20 days. The statement of the owner of the house Ashok Ghaivar shows that accused Vainsingh had paid

amount for these flats where the victims had stayed for the period of their training. Even for that victims did not have to pay any money and the food was provided by the accused to them.

7. In this view of the matter, further custody of the applicant will not serve any purpose. He is already facing disciplinary action in the army and he is also facing this prosecution. In these circumstances and more particularly since the applicant has not received any amount as admitted by learned APP, I am inclined to grant bail to the present applicant.

8. Hence the following order.

ORDER

- (i) In connection with C.R. No. 866 of 2020 registered with Wanwari Police Station, District Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees

Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)