

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

ANTICIPATORY BAIL APPLICATION NO.405 OF 2021

Pradip Kedulal Tatiya

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. F. A. Wasif i/b. Mr. N. R. Bubna for Applicant.

Smt. A. A. Takalkar, APP for State/Respondent.

Mr. Kiran Patil, API and Mr. Shisole, PN-977, Satana Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 672 of 2020 registered with Satana Police Station, Nashik, on 23/11/2020, under sections 420, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Mr. Wasif, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Vivek Ahire. He has stated that, he came to know that the applicant was in a position to procure job as a teacher in Mahatma Gandhi Vidya Mandir, Nashik. The informant met him. The applicant demanded Rs.10,50,000/-. The informant paid him Rs.9 lakhs but subsequently did not get any job. When the informant demanded back his money, he was threatened and abused. On this basis, the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that the applicant was a political worker of his master one Prashant Hiray. He submitted that the amounts were collected by him on behalf of said Hiray and the amount was to be given to him. The amount was actually misappropriated by said Hiray and the applicant is innocent. He had to suffer because his master did not keep his words and did not give jobs as promised. He, therefore, submitted that, since he is a scapegoat, he should not be arrested.

5. Learned APP strongly opposed this application. She

relied on a document executed by the applicant himself on a stamp paper. It is a notarized document dated 05/11/2020. In that document, the applicant has admitted that he has taken money from at least 7 victims and he had undertaken to return their amounts.

6. I have considered these submissions. The applicant has no explanation, as far as this document is concerned, except for saying that even this document was executed on the hope that his master would help him financially. Considering these allegations and admitted fact of having accepted amounts from different people, the applicant cannot escape his liability by shifting it on his master. The applicant has admittedly, accepted the amounts from the victims. There is no denial of this fact. Applicant's explanation can only be his defence but even then the abetment of the offence is clearly made out. Various innocent people were duped by representation and inducement made by the present applicant. His custodial interrogation is necessary to find out other accused involved in this case and to find the money trail of the amounts

taken by the applicant. In this view of the matter, no case for anticipatory bail is made out.

7. Application is rejected.

(SARANG V. KOTWAL, J.)