

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

ANTICIPATORY BAIL APPLICATION NO.403 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. 659 of 2020 registered with Satana Police Station, Nashik, on 20/11/2020, under sections 420, 323 and 504 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 Jibhau Jadhav. He has stated that, he came to know that the applicant was taking money and was giving jobs in Mahatma Gandhi Vidya Mandir, Malegaon as teachers. The informant met the applicant. The applicant told him that he would take Rs.7,50,000/-. He would keep Rs.50,000/- and Rs.7 lakhs would be paid to the office bearers of that school and then the informant's son Samadhan would get a job. The first informant paid Rs.7,50,000/- to the applicant. Subsequently, the job was not given and the money was not returned. The informant met the office bearers of that school. He was informed that there was no connection of the applicant with the said school. The informant realized that he was duped and, therefore, this 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.)