

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

ANTICIPATORY BAIL APPLICATION NO. 1281 OF 2021

Sachin Shankarrao Kalantre Applicant

Versus

The State of Maharashtra Respondent

Mr. Paras Yadav a/w. Arun Patil for Applicant.

Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 09th JUNE, 2021

(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 439 of 2020 registered at Rajarampuri Police Station, Kolhapur, on 28/12/2020, under sections 420, 465, 467 and 468 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Paras Yadav, 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 Shivaji Phad. He has stated that, he was aware that

one Tanaji Powar had helped some boys in joining Army. They were even given appointment letters. The informant's friends Shubham Rathod and Krushna Puttewad had introduced him to Tanaji. The informant and others met Tanaji who represented to them that he was well acquainted with the officers in the Army and that he was in a position to obtain jobs without candidates having to appear for any examination; but for that, every candidate was required to pay Rs.8 lakhs. The F.I.R. goes on to mention as to how various persons paid money on this inducement. The total amount mentioned in the F.I.R. is Rs.21,50,000/-. The F.I.R. mentions that the accused made of show of calling candidates to Jhanshi, Bagdogra etc. However, nothing further transpired and those candidates did not get any job. On this basis the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that, his name is not mentioned in the F.I.R. The applicant and main accused Tanaji were not knowing each other. The applicant is implicated falsely by co-accused Yogesh Salunkhe because Yogesh was holding grudge against the applicant. The applicant was not

beneficiary of the entire fraud.

5. Learned APP opposed this application and she produced statement of co-accused Yogesh Salunkhe implicating the present applicant. Yogesh was arrested on 06/04/2021 and on that day itself the investigating officer had recorded his statement. Though ultimately during trial his statement may be inadmissible, but for the purpose of investigation, this statement offers clue against the applicant. In that statement, specific role is attributed by co-accused Yogesh to the present applicant. The statement mentions that, Yogesh had come to know that the applicant was doing such job. He used to take money for giving jobs in Army. The statement elaborates how Yogesh and Rohit decided to earn money through this illegal means. It was decided that Tanaji would make inducement to candidates and money would be shared by all the accused including present applicant. Yogesh used to send the applicant to Tanaji by masking his face. The applicant had taken part in handing over and receiving money from Tanaji. Thus, at this stage, the allegations against the present applicant are not baseless.

6. Learned APP heavily relied on two previous offences registered vide C.R.No.63 of 2019 and 37 of 2019 at Gadhinglaj police station for the offence of forgery and cheating. This is also an important aspect. Considering this background, antecedents and role attributed to the present applicant, custodial interrogation of the applicant is necessary. No case for anticipatory bail is made out.

7. Application is rejected.

(SARANG V. KOTWAL, J.)