

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2173 OF 2021

JAYSINGH SHANKAR PATIL

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.M.A.Khan i/b. Ms.Dipti Mehta, Advocate for the Applicant.

Smt.Anamika Malhotra, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

RESERVED ON : 16th NOVEMBER 2021
PRONOUNCED ON : 23rd NOVEMBER 2021

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.323 of 2019 registered with Police Station N.R.I. Sagari, Navi Mumbai, for offences punishable under Section 420, 465, 468, 471 read with 34 of the Indian Penal Code (IPC).

AVK

1/5

2 The prosecution alleges that from January 2018 till the filing of the First Information Report (FIR) accused namely Sanjay Dinakar Gadeakar, Bhikajihari Bhosale, Nagdev Ramchandra Patil, Jaysingh Shankar Patil (applicant) and Kishan Shetye in collusion with each other dishonestly induced the informant and his friend namely Vaibhav Bunage and his sister Varsha Powar to part with total amount of Rs.10,50,000/- with a false assurance of securing employment of Peon and Clerk with Mahanagar Palika, Mumbai and also gave bogus appointment letters. First Information Report (FIR) accordingly came to be lodged.

3 Mr.Khan, learned counsel for the applicant, submits that accused namely Sanjay Dinakar Gadeakar, Bhikajihari Bhosale, Nagdev Ramchandra Patil and Kishan Shetye have already been released on bail. The present applicant is accused no.4. Infact, he has returned some of the amount to the aggrieved parties. The entire role is that of accused Sanjay Gadeakar and Bhikajihari Bhosale. Investigation is completed. In

such circumstances, no useful purpose would be served by keeping the applicant behind the bars. Hence, the applicant be released on bail, argued learned counsel.

4 Smt.Malhotra, learned APP, on the other hand, opposed the submissions and invited my attention to the Affidavit-in-Reply filed on record and then to the statement of victims namely Vaibhav Bunage and Varsha Powar to substantiate that the present applicant played an important role. There being no merit in the application, the same is liable to be rejected.

5 Bare perusal of the FIR itself shows the modus operandi of all the accused including the applicant while committing the offence of cheating in collusion with each other. The informant, apart from himself, and his sister are victims of the offence of cheating. Then there is statement of Vaibhav Bunage, reading of which would show that in all he had transferred amount of Rs.3,50,000/- in the account of applicant through RTGS. Similar is the statement of Varsha Powar.

According to her present applicant was constantly in touch with her. According to her she even paid Rs.4 lacs to Sanjay Gadeakar and Bhikajihari Bhosale for the post of Clerk.

6 Apart from above, it appears from the record that there was house search of the applicant and its panchnama was prepared on 4th January 2001 from where certain incriminating documents pertaining to the informant and victims were seized. The above documentary evidence and as also the FIR clearly go to show the modus operandi of the applicant and other accused. It may be that the other accused are released on bail but the present applicant appears to be the main accused as he was introduced as Commissioner Administration of Municipal Corporation, Mumbai.

7 Having regard to the seriousness of offence, I do not find merit in the case. Hence, I pass the following order :

ORDER

Application is rejected.

(V. G. BISHT, J.)