

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1126 OF 2020

Manali P. Tilak
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 Date: 2021.01.07 17:51:56 +0530

Kiran Lawaji Madande

.. Applicant

Versus

The State of Maharashtra

.. Respondents

...

Mr. Rahul Kadam for the applicant.

Mr. S.V.Gavand, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 6th JANUARY 2021.

P.C:-

1 The applicant is apprehending his arrest in C.R. No. 1024 of 2020 registered with Walchand Nagar Police Station, District Pune, invoking offences punishable under Sections 424, 463, 464, 467 468, 420, read with Section 34 of the IPC.

The complainant is one Baban Kolekar who state that he owns a small T.V repairing shop and that is the source of his livelihood. In the month of January 2020, a person known to him by name Baban Dalvi came to his shop and when he made inquiries about his children, the complainant told him that his son has cleared his first year and he is sitting idle. Baban informed him that he knows a man named Siddharth Zende, who is very resourceful and is acquainted with persons in Revenue

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Department in Mantralaya. He lured him to the effect that his son can fetch a job of a lower post in the Collector office but he will have to shell out an amount of Rs.10,00,000/-. He was convinced by repeated visit of Baban. As regards the demand, it was scaled down to Rs.7,50,000/- and money was to be paid on 3rd February 2020. In order to arrange the said amount, the complainant obtained loan from a Pat Sanstha to the tune of Rs.4,65,000/- and withdrew some amount from his saving bank account and on 3rd February 2020, he parted with the amount in presence of his friends. This include the applicant. Thereafter, he expected the return i.e. the appointment order in favour of his son, but since there were evasive response, he realized that he was duped. The complainant thereafter demanded the amount from Siddharth Zende, the accused who gave him a cheque of Rs.5 lakhs which was dishonored. He was left neither with the amount in return nor the job for his son. Another Rs.25,000/- was also paid to Siddharth. In the FIR, the complainant has also stated that when he pressed hard for his money. Siddharth was constrained to deposit an amount of Rs.1,30,000/- in his account but remaining amount is still not paid.

2 In the supplementary statement of the complainant, returned on 4th December 2020, he has named the applicant to be the person who had accompanied Baban to his shop on 30th January 2020. It is alleged that it is the applicant who has assured

the complainant that Siddharth had arranged for jobs for several persons and he should trust him. The complainant in his supplementary statement categorically state that on the assurance given by the applicant, who was his friend, he parted with the amount for securing the applicant's job.

3 The complacency of the present applicant is very apparent from the narration of the complainant and this resulted in invoking Section 34 of the IPC when the C.R came to be registered invoking Section 420, 464, 467 and 468 of the IPC. Though an amount of Rs.1,20,000/- has been received by the complainant, huge amount for which he had obtained loan, still remain unpaid. The ingredients of Section 420 are clearly made out and since Section 34 of the IPC has been invoked, the custodial interrogation of the applicant is very much necessary in a serious crime where a poor man has been literally brought on street by alluring future prospects for his kith and kin.

By taking into consideration the allegation in the complaint, the applicant assumes the role of a confederate and hence he is not entitled for any protection against arrest.

SMT. BHARATI DANGRE, J