**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1018 OF 2022

SHAILESH MAGAN KUWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for Applicant : Mr. Shinde Ravindra S.
APP for Respondent/State : Mr. V.M. Kagne
...

CORAM : S.G. MEHARE, J.

DATED : 12th AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicant and the learned APP for the respondents/State.

2. Learned counsel for the applicant has vehemently argued that the applicant is a service provider. He was running the customer service centre by the side of State Bank of India, Branch Pimpalner. He has referred to the order passed by this Court in Anticipatory Bail Application No.816 of 2022 dated 20.07.2022 and argued that this Court has observed that 'even co-accused Shailesh tried to return the money of one of the customers by giving his motorbike'. He has also argued that the co-accused Akshay Bhamre has committed the illegalities. The present applicant also has lend money to Akshay Bhamre. To bolster his arguments, he has referred to the bank accounts. He has also argued that the applicant is from a well

educated family. His elder brother and sister-in-law are teachers. If the applicant would be arrested, their reputation would be affected. The applicant has committed no wrong. Therefore, anticipatory bail may be granted to him.

3. Learned APP has strongly opposed the application. He has argued that around Rs.9,57,278/- have been misappropriated. It was a hard earned money of poor people. Many persons have been cheated at the customer service centre, therefore, the modus operandi of the offenders is to be identified. The offence is serious hence, no parity can be extended and the application may be rejected.

4. The FIR reveals that the complainant was getting his service from the customer service centre. She has deposited Rs.11,000/- on 03.02.2022. The amount of Rs.18,493/- was lying in her account. On 21.03.2022, she had been to the bank to know the balance in her account. The bank officer sent her to the customer service centre. That time, the present applicant with other co-accused Akshay Bhamre were there. She enquired about her balance and handed over her bank passbook. That time, she was asked to put her thumb impression on one machine and then she was told that the balance of Rs.18,493/- was lying in her bank account. It has been also alleged that when she was going back with her passbook, she was called back and again asked to put her thumb mark on the machine. She was under the impression that her thumb impression might not

have been impressed, therefore, she put her thumb impression. After 15 days, she went to the customer service centre and learnt that the amount of Rs.18,000/- was withdrawn on 21.03.2022 and transferred to one Zero Mass Pvt. Ltd Company. That time, she revealed that when she went to verify the balance, the present applicant and co-accused Akshay Bhamre took the advantage of her illiteracy and withdrew the amount of Rs.18,000/- from her account.

5. The FIR is crystal clear that on the day when she went to make the enquiry of his balance amount, the present applicant was there. He had the knowledge that she was called again. Barely paying the money to some of the customers by giving his motorbike, does not make the offence mild. Learned APP has argued that there are many such customers who have been cheated.

6. Considering the allegations and role played by the applicant, this Court is not inclined to grant anticipatory bail to the applicant. Hence, the application stands dismissed.

(S.G. MEHARE, J.)

Mujaheed//