

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1385 OF 2021

DEVIDAS S/O MANGU SONAWANE
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. C. C. Deshpande
APP for Respondent-State : Mr. A. M. Phule
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CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving the Order :
15-02-2022**

**Date of Pronouncing the Order :
11-03-2022**

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.900 of 2021, registered with Shahada Police Station, District Nandurbar, for the offence punishable under Section 420 read with 34 of the IPC.
2. Heard learned Advocate Mr. C. C. Deshpande for applicant and learned APP Mr. A. M. Phule for respondent-State.
3. It has been vehemently submitted on behalf of the applicant that applicant was the president of one Adivasi-Pardhi Sanskrutik Va Shaikshanik Mandal, Shahada. An advertisement for the post of teacher

was published. The informant states that he is B.A. B.Ed. (Geography) and D.Ed. That advertisement was published in 2015. Thereafter, informant's father-in-law had met applicant. Applicant had demanded amount of Rs.15,00,000/- for giving the job to the informant. He says that Rs.7,00,000/- was given immediately, and thereafter, appointment letter was issued to the informant on 20-06-2015. After some days, when the applicant demanded the remaining amount of Rs.8,00,000/-, the informant's father-in-law sold his plot and gave that amount. Informant worked with the said institution from 2015 to 2019. Thereafter, when he demanded that his job should be regularized and his pay proposal should be forwarded, necessary documents made available by the informant, however, the Headmaster had not responded properly. Even the present applicant had not made any efforts to send the proposal and had not sought the personal sanction of the informant. Informant appears to have lost his job in 2019 and he states that the amount has not been returned by the applicant. The contents of the FIR thus gives a false indication and there is huge delay of six years in lodging the report. Even after losing his job how the informant can afford to keep quiet for two years, is an unexplained delay. It shows that the FIR has been lodged with malafide intention. The applicant is involved in a case under Section 138 of Negotiable Instruments Act. He is ready to abide by the terms of the bail.

4. Learned APP strongly opposed the application and submitted that the applicant is not only involved in case under Section 138 of Negotiable Instruments Act, crime No.724 of 2020 under Section 420, 406, 506 of IPC, in respect of financial offence, is also registered with Shahada Police Station. Further, one Bhika Sukhdeo Patil has lodged Civil Suit No.01 of 2018 in order to secure the amount back from the applicant and the said suit came to be decreed ex-parte, yet the applicant has not returned that amount to that plaintiff. This indicates that the applicant is a habitual offender. Taking disadvantage of his position, he is driving the persons to get jobs by taking money from them, and therefore, cheating them. Statements of witnesses would show that the father-in-law of the informant had sold the plot and made available amount for his son-in-law. There are documents collected by the Investigating Officer which would show that the informant had worked for the institution after appointment letter was given to him. Similar offence was registered against the applicant on the basis of FIR lodged by one Vaishali Shatrughna Patil. She had given amount of Rs.18,00,000/-. Two sons of the present applicant are secretary and director of the same institution. They were arrested. Now the custodial interrogation of the applicant is necessary.

5. Perusal of the FIR would definitely create an impression that

there is delay in the lodging of the same, however, whether that delay is fatal or not, would be considered by the concerned Court before whom there would be full fledged trial. The fact now appears is that the informant was given job under the signature of the present applicant. In fact in his FIR, the informant states that there was an advertisement published regarding filling up of the post of teacher, and thereafter, his father-in-law had approached the present applicant. The applicant has not come with a case that after completing the entire procedure of appointment of teacher, since the informant got selected, he was appointed. Those documents have not been produced nor informant has stated that he had undergone the process of selection. Therefore, there is possibility of getting the appointment by fulfilling monetary demand by the applicant, cannot be ruled out. Statement by the father-in-law of the informant that he supplied portion of the amount, will have to be considered at this stage. The fact remains that the proposal for according sanction to the informant was never forwarded, but the informant was asked to work without salary for three years by the institution has come on record. The Court cannot ignore the truth that there is serious problem of unemployment, and therefore, people go to any extent to secure a job. The incidence are frequent that for getting a particular job, they would offer bribe to many persons. Cases of giving bribe for employment, in the public

sector as well as government job, are also rampant. It is not the only case against the applicant but another case on the similar line is stated to have been pending before the same police station. Statements of certain witnesses have been recorded in this case under Section 164 of Cr.P.C., who had given amount to the informant. Definitely the informant would have told them for what purpose he is in need of amount. Therefore, there appears to be some material which connects the applicant with the crime. Grant of anticipatory bail is extraordinary relief which has to be sparingly used. Further, when it comes to economic offence, then the Courts will have to be slow in granting such relief. Hence, the application deserves to be rejected, accordingly it is rejected. Interim relief, granted earlier, stands vacated.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.