

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 1641 OF 2021

Ruby Sushilkumar Poddar ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Abad Ponda, Senior Advocate, i/b Bhomesh Bellam, for
the Applicant.

Ms. P. N. Dabholkar, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED : 12th JULY, 2022

ORDER:-

1. This is an application for pre-arrest bail in connections with CR No.28/2021, registered with Vimantal (Airport) Police Station, Pune City, for the offences punishable under Sections 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").

2. Amit Sarode, the first informant, a graduate in Hotel Management was in search of an employment. He and his friend Vinay Kumbhar registered themselves at www.naukari.com. An e-mail was received from Global Trading and Consultancy offering overseas appointment. The applicant is the Director of Global Trading and Consultancy (erstwhile Blue Mount Consultancy Services). The applicant represented to

the first informant and his friend Vinay that an employment would be secured for them in Canada as Chef and FMB Associate, respectively, and for the said purpose they should pay a sum of Rs.1,50,000/-. Pursuant to the representation made by the applicant, the first informant and his friend were made to part with a sum of Rs.1,60,000/- under the pretext of registration, VISA fee, medical examination and fitness etc. False letters of appointment were also issued. Eventually, the applicant transferred the said amount to co-accused Rakshit Patel of Pratham Consultancy. Employment was not secured. It transpired that the applicant has collected such amount from as many as 72 persons and none of them could get overseas appointment. Hence the report.

3. When the matter was listed before the Court on 19th July, 2021, a statement was made on behalf of the applicant that the applicant has arranged the amount of the investors. In view of the aforesaid statement, awaiting verification of correctness thereof, the learned APP made a statement that no coercive steps would be taken against the applicant. The said position has continued till date.

4. Today, the learned Senior Counsel for the applicant submitted that the applicant has settled the claim of as many as

48 person. The claims of 19 persons are in the process of being settled. It was further submitted that the applicant has cleared the amount which was received by the applicant. In fact, the applicant is the victim of the deception and fraud at the hands of the co-accused Rakshit Patel. Much before the lodging of the FIR, the applicant had lodged complaint against Mr. Rakshit Patel on 24th January, 2020 with Vimannagar (Airport) Police Station, Pune. Attention of the Court was invited to a copy of the said complaint (Exhibit-B) annexed to the application.

5. The learned APP does not dispute the position that the applicant has satisfied the claim of many victims. The learned APP further submitted the applicant be directed to indicate the time frame within which the applicant would pay the amount of the rest of the victims, and certain conditions be imposed to ensure unhampered investigation.

6. The situation which thus obtains is that there is material to show that the applicant had lodged a complaint against the co-accused and the applicant has also satisfied the claim of the majority of the persons, who were allegedly duped. This shows the bonafide of the applicant. In the aforesaid view of the matter, at this length of time, whilst the interim protection is in operation for almost one year, I am impelled to exercise the

discretion in favour of the applicant by directing the applicant to satisfy claim of the rest of the claimants and cooperate with the investigation. Hence, the following order.

: O R D E R :

- (i) The application stands allowed.
- (ii) In the event of arrest of the applicant in CR No.28 of 2021, registered with Vimantal (Airport) Police Station, Pune, she be released on bail on furnishing a PR Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- (iv) The applicant shall cooperate with the investigation and report to the Investigating Officer as and when directed and furnish specimen handwriting and signature, if directed by the Investigating Officer.
- (v) The applicant shall satisfy the claim of the rest of the claimants as well.

[N. J. JAMADAR, J.]