

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 1777 OF 2021

Datta Shivajirao Avhad	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Piyush Toshnival a/w. Mr. Aniket Nikam i/b. Mr. Vivek N. Arote, for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent / State.

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**CORAM : C.V. BHADANG, J.
DATE : 23 FEBRUARY 2022**

P.C.

. By this Application, the Applicant apprehending arrest in Crime No.80/2021 of Police Station Sarkar Wada, Nashik City, under Section 420 and 406 of IPC, is seeking anticipatory bail. The aforesaid crime is registered on the basis of the complaint lodged by Hemant Haribhau Dhatrak, who is a General Secretary of Krantiveer Vasanttrao Naik Mahavidyalaya, Nashik.

2. On 24 February 2021, a complaint was received by the said College from one Varsha Satvekar, claiming that the Applicant had

made a demand of Rs.16 Lakhs with an assurance to secure employment to her relative in said College/Sanstha. The Complainant had paid Rs.2 Lakhs to the Applicant, out of which Rs.1 Lakh is returned. However, the balance amount of Rs.1 Lakh is not repaid. An enquiry was made in the complaint in which, it was revealed that the Applicant has made similar representations to several people for securing employment in College/Sanstha. In such circumstances, the complaint came to be lodged on 22 May 2021, which is under investigation.

3. I have heard the learned counsel for the Applicant and the learned APP. Perused record.

4. The learned counsel for the Applicant submitted that even as per the FIR, the Applicant has returned Rs.1 Lakh and therefore the liability, if any, is only to the extent of Rs.1 Lakh as the Applicant is alleged to have accepted an amount of Rs.2 Lakhs. The learned counsel has pointed out a receipt dated 28 February 2019 in order to submit that there are distinct transactions between the parties and they are not related to any assurance for securing employment, as alleged. It is submitted that the custodial interrogation of the Applicant is not required for the purpose of investigation.

5. Learned APP has submitted that in the investigation, it is found that several other persons have been similarly duped and the total amount at present, is to the tune of Rs.17 Lakhs which is likely to increase on further investigation. It is submitted that the Applicant in order to gain confidence, had passed cheques in favour of prosecution witnesses, whose statements are recorded and all these cheques have been dishonoured. It is submitted that there is Call Data Record (CDR) of the conversation between the Applicant and the witnesses. It is further submitted that it is also necessary to investigate, into the manner in which, the amount accepted by the Applicant has been invested or otherwise.

6. I have considered the circumstances and the submissions made.

7. Although, the offence is registered on the basis of the complaint lodged by Hemant Dhatrak which only involves an amount of Rs.2 Lakhs out of which Rs.1 Lakh is said to be returned, the investigation has disclosed that there are several other persons who are similarly duped and the Applicant has accepted various amounts which according to the prosecution, at present, are to the tune of Rs.17 Lakhs. The offence is serious, in which not only the Complainant, but the investigation carried out till today, discloses some other persons who have been cheated. The Investigating

Officer also claims that there is CDR record of the conversation between the parties. In my considered view, looking to the nature of the offence, at this stage, the proper investigation of the matter is the paramount consideration for which custodial interrogation of the Applicant is necessary.

8. In the result, the Criminal Application is hereby rejected.

C.V. BHADANG, J.