

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2203 OF 2022**

Dashrath Arjun Kamble

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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Mr.Shambhu M. Jha with Mr.Hiren Mehta and Kanai Biswas for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

PI Gavali, attached to Achole Police Station, present.

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CORAM: BHARATI DANGRE, J.

DATED : 14th OCTOBER, 2022

P.C:-

1. The applicant, who runs an NGO styled as “The Little Shine Foundation’, which is into the activity of raising funds for the needy patients, specifically, young children through a call centre, named, “Just A Call”, is facing accusation of forgery at the instance of Achole Police Station with whom C.R.No.277 of 2022 is registered on 08/06/2022, invoking Section 420 read with Section 34 of IPC.

The applicant face an accusation that, certain amount was collected through Call Centre named “Just A Call” on representation being given that, two patients, aged 4 years have to undergo Open Heart Surgery and the expenses for the two patients, namely, Ritika Jadhav and Rui Rane, would be to the tune of Rs.4,50,000/- each.

2. The complaint is lodged by the Police Officer, Achole Police Station alleging that calls are made to induce people to donate money by encashing sympathy towards the illness of the small children and, accordingly, a raid was conducted on the premises belonging to the said NGO. Certain material in form of some cell phones, agreements etc. came to be seized. The prosecution level serious accusations against the applicant that though the amount was collected, the surgeries were never performed.

3. The applicant has annexed alongwith the application the details of his NGO and the work, which is undertaken by it and also the agreement which was executed between the NGO and “Just-a-Call”, who was appointed to manage direct marketing services, using tele-calling for donor acquisition for ‘The Little Shine Foundation’ and to conduct live campaigns. The agreement clearly indicated the engagement terms and the prosecution expressed suspicion over the same. Not only that, the applicant has placed on record the list of the donors, who had contributed money for treatment of one Jui Rane.

Apart from this, the hospital i.e. Wadia Hospital for Children also certified that Jui Rane was suffering from congenital heart disease and was under the care of the said hospital and she required an Open Heart Surgery, incurring an expenditure to the tune of Rs.4,50,000/-. The applicant has placed on record a communication from the Wadia Hospital for Children, confirming the payment of Rs.50,000/-, which was received and the reason highlighted for not performing the operation immediately is, the hospital was facing shortage of oxygenators, which are required in Open Heart Surgeries. On 03/08/2022, the hospital informed the NGO that Ms. Jui Rane and Ms.Hritika Jadhav would be admitted to the hospital, as soon as the logistics are arranged for.

4. The prosecution agency underwent a detailed investigation and, on two occasions, time was sought to ascertain, whether the NGO has misappropriated any money.

Today, the Investigating Officer makes a fair statement that the NGO run by the applicant is catering to various activities as its caption indicates and, it is offering solace not only to the young children by providing educational as well as medical support, but provide support system to old age home, orphanage, women empowerment etc. Apart from this, it also arranges fund for animal support.

The Investigating Officer has collected the details of the three bank accounts of “The Little Shine Foundation” and on a thorough scrutiny, has recorded that from 28/08/2021 to 31/03/2022, an amount of Rs.1,01,86,157.27 has been credited to the accounts, out of which the NGO has expended Rs.88,31,579.56 on various activities, which it undertake. This also includes the amount spent towards office rent as well as the amount paid to “Just-A-Call”, a service, which has been availed of by entering into an agreement for giving wide publicity through tele-calling center. The Investigating Officer has further examined the expenditure on various activities and has arrived at the conclusion that a sum of Rs.13,54,550/- is lying in the accounts, with several projects in the pipeline.

5. In the wake of the aforesaid statement coming from the Investigating Officer, the custodial interrogation of the applicant is not definitely required and it is also necessary for the Police Department, which is an important organ of the State Government, to recognize and uphold the services carried out by such NGOs and, if possible, to assist them in taking their ventures further, as there are several areas where the State machinery is unable to reach. As can be seen from the working of this particular NGO, several

operations of needy and destitute children have been carried out at the expenses, which are collected through crowd fund. The panorama of activities reflect it's wide canvass and, instead of moving the needle of suspicion to such NGOs, who are widely engaged in social service and catering to the needs of the weaker section of the society, it is expected that we should focus on good deeds being carried out by such NGOs.

Hence, the following order.

: **ORDER** :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.277 of 2022 registered with Achole Police Station, applicant-Dashrath Arjun Kamble shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall report to the concerned police station as and when called for.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(**SMT. BHARATI DANGRE, J.**)