

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

ANTICIPATORY BAIL APPLICATION NO. 774 OF 2023

1. Nitin Maruti Bodhare
2. Mrs. Pournima Nitin Bodhare ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr.Prakash Sutar for the Applicant.
Mr. Asif Shaikh for the INtervenor
Mrs. S.S.Kausik, APP for the State.
PSI Dhananjay Gaikwad from Wadala Police Stn. Present.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 23rd MARCH, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No.12 of 2022 registered with Wadala Police Station for offences under Section 420 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Vishal Gaikwad . A perusal of the FIR reveals that the Applicant Nitin Bodhare had assured the first informant that he knew several officers in Navy and that he could secure him job in Navy on payment of

Digitally
signed by
PRASANNA P
SALGAONKAR
Date:
2023.03.27
16:13:29
+0530

Rs.8,00,000/-. The first informant paid him an amount of Rs.50,000/-. The Applicant did not secure the job nor did he refund the money. Hence the FIR came to be lodged against both the Applicants.

4. The material on record prima facie reveals that the Applicant has not only cheated the first informant, but has also cheated two other victims. The FIR also reveals that the Applicant had taken money from the said victims under the pretext that he knew several officers in the Navy and that he can secure jobs for them. The records reveal that the money paid by these victims has been credited in the account of the Applicant No.2 Mrs. Pournima Nitin Bodhare. The investigation is still in progress and the Investigating Agency needs to ascertain whether apart from these three victims, some other persons are also cheated by the Applicants under the same pretext and this can be done only through custodial interrogation.

5. Considering the nature of the accusation against the Applicants, in my considered view this is not a case for exercising discretion under Section 438 of Cr.P.C. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)