

AGK

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

ANTICIPATORY BAIL APPLICATION NO.1567 OF 2023

Dattatraya Janardhan Bhosale ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Prashant S. Hagare for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

Mr. Goraksh Ghodke, PSI, Chandan Nagar Police
Station, Pune, is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 7, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.36 of 2023 registered with Chandan Nagar Police Station, Pune City, Pune for the offences punishable under Sections 420, 406 and 34 of the Indian Penal Code, 1860, the applicant is seeking anticipatory bail.

2. One Kishor Bharat Jadhav lodged a first information report alleging that the applicant and another co-accused obtained amount of Rs.80,000/- from him assuring employment and cheated him by not providing the job. Another person Sumit Ganesh Wani was also similarly cheated for Rs.90,000/- by the applicant. The respondent, therefore, registered first information report against the applicant.

3. Apprehending arrest, the applicant filed application before learned Sessions Judge under Section 438 of the Criminal Procedure Code, 1973 which has been rejected by order dated 26 April 2023. Aggrieved thereby, the applicant has filed present anticipatory bail application.

4. Learned advocate for the applicant submitted that he has been falsely implicated. He never promised employment to the complainant. The amount paid was towards providing training to the informant and similarly situated students and, therefore, the complaint filed against him is false.

5. Per contra, learned APP submitted that the material on record in the form of statements of victims unanimously echoed the version that various amounts accepted by the applicant was on the promise of providing employment. The amounts were transferred electronically. The applicant issued employment letters, however, after one month they were told that they will be informed of new place of employment as the applicant is intending to shift his place of business. They were called upon to work from home. The applicant thereafter failed to fulfill the promise. Cheque issued towards repayment of the amount paid was dishonored, which resulted into registration of first information report.

6. Having considered the submissions and the case diary, in my opinion, the applicant is not entitled to pre-arrest bail. The material on record indicates that there is every possibility that many other students might have paid similar amounts to the applicant. It is necessary to unearth *modus operandi* of the

applicant to exploit innocent students. Such students are already facing dire need of money but are required to pay such amount to persons like applicant. Exploitation of such students on the promise of employment by accepting money is rising crime in the society. Therefore, custodial interrogation of the applicant is necessary to ascertain preparedness and acceptance of such amount from various students. The material on record indicates that the cheques issued by the applicant for repayment of such amounts has also been disbonored.

7. Hence, no case for pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973 is made out. The anticipatory bail application, therefore, stands rejected. No costs.

(AMIT BORKAR, J.)