



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2233 OF 2023**

Subhash Chand Katoch

... Applicant

versus

State of Maharashtra

... Respondent

Mr. Nitin B. Patil, for Applicant.

Mrs. Geeta P. Mulekar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 4 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.312 of 2022 registered with Koparkhairane Police Station for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.
3. The first informant was in search of employment for his wife. His friend Brahmanand Singh introduced him to Vijaysingh, co-accused. Vijaysingh took the first informant to the applicant. In the said meeting, the applicant, Vijaysingh and another co-accused Manisha Bhalerao were present.
4. The applicant allegedly made a representation that he would secure employment for the first informant's wife. The applicant was induced to part with a sum of Rs.1 Lakh, which was collected by the applicant and the co-accused. The first informant's wife was made to fill in a form. A call letter for medical test was sent by

post. The first informant was induced to pay further amount of Rs.3 Lakhs to have a medical test of his wife. They went to ECR Super Speciality Hospital, Patna and a farce of medical examination was made thereat. Another letter asking the first informant's wife to appear for verification was given. On that count again, the first informant was made to part with a sum of Rs.1 Lakh. Joining letter was sent and the first informant was induced by the applicant to pay a sum of Rs.2 Lakhs to Manoj Kumar, an associate of the applicant. Months passed by, no appointment order was received. The first informant thus, approached the applicant. He gave evasive replies. Having realized the fraud, the first informant lodged the report.

5. The learned Counsel for the applicant submitted that the incident of parting with the amounts occurred in the year 2019. FIR came to be lodged in the year 2022. The role attributed to the applicant is that of being present in the alleged meetings. No amount has directly been credited to the account of the applicant. In any event, since the applicant is working as a Senior Technician in BARC, the applicant deserves the exercise of the discretion as there is no possibility of fleeing away from justice and tampering with evidence.

6. The learned APP, on the other hand, resisted the application by submitting that the material on record indicates that it was the applicant who had actually induced the first informant to part with the amounts. The applicant had made false representation. The learned APP further submitted that the applicant has been

repeatedly indulging in such offences and two crimes being C.R.No.124 of 2016 and 281 of 2022 have been registered against the applicant at Sahar and Kothrud Police Station, respectively, involving identical allegations. Therefore, the applicant does not deserve the exercise of discretion.

8. I have carefully perused the allegations in the FIR. It is not the case of the applicant merely inducing the first informant to part with money by making false representation for securing employment. The allegations in the FIR indicate that to make the first informant and his wife repose trust in the applicant and the co-accused, letters calling for medical examination, verification of the documents and even joining were sent at the address of the first informant and on each of the occasions, by making a farce of progress, the first informant was induced to pay more money. The first informant and his wife were made to visit Patna to undergo medical test and on the pretext of verification of the documents.

9. Investigation has revealed that those letters were not addressed by the concerned officer. Thus, the case attributed to the applicant and the co-accused transcends cheating and the offences of preparing false documents and making use of false and forged documents as genuine, and thereby committing cheating, on the basis of forged documents, also prima facie appear to have been made out.

10. The submission on behalf of the applicant that the applicant was merely introduced as a high ranking officer, without anything more, would have carried

substance if there were no antecedents. On the contrary, two crimes containing somewhat similar allegations appear to have been registered against the applicant at Sahar and Kothrud Police Stations. It seems that the applicant, with a design to exploit the hapless situation of unemployed persons, has been indulging in the offences of cheating and forgery by inducing them to part with amounts in the hope of getting employment.

11. In the circumstances, the submission on behalf of the applicant that the applicant being a public servant deserves protection, cannot be countenanced. On the contrary, it appears, the applicant, by abusing his official position, has been indulging in offences of cheating aspiring and gullible unemployed persons. I am, therefore, not inclined to exercise the discretion in favour of the applicant.

12. Hence, the following order :

ORDER

- (i) The application stands rejected.
- (ii) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)