

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (ABA) NO. 890 OF 2022

Anil Sheshraoji Tayde and another vs. The State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Abhay Sambre, Advocate for applicant.
Mr. V. A. Thakre, APP for respondent State.

CORAM : BHARATI DANGRE J.

DATE : 24/01/2023

The two applicants seek protection from arrest in connection with Crime No.1323/2022, registered with Police Station, Gadge Nagar, Amravati. They faced accusations under Sections 420, 465, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code(IPC). The subject crime came to be registered on complaint filed by Vilas Eknathrao Bhuskade on 08/11/2022.

2. Perusal of the complaint filed against seven accused persons, five of whom being named, alleged that the accused persons as per the conspiracy with each other to offer an employment to the complainant's daughter Sakshi Vilas Bhuskade and giving effect to the said conspiracy, fraudulently

issued certain documents which included the appointment orders from the Income Tax Department, as well as certain documents pertaining to the Director of Public Health. The complainant alleged that for giving effect to the said conspiracy by offering an employment to his daughter, he parted with a sum of Rs.15 Lakhs and this resulted in lodging of the report. The anticipatory bail application filed by the applicants came to be rejected by the Sessions Court and hence, through the present application they seek protection of arrest.

3. Pertinent to note that apart from the two applicants another member of their family being Ashutosh Anil Tayde who is also arraigned as an accused and it is informed that he is presently incarcerated, on being arrested in the subject crime.

4. On hearing the learned public prosecutor and on perusal of the documents placed on record, particularly statement of the victim Sakshi, who in her statement has given the details of the methodology adopted by the accused persons in assuring her appointment initially as 'Arogya Sevika' and thereafter in the Income Tax Department.

Ms.Sakshi has specifically stated in her statement recorded on 09/11/2022 that she was introduced to the three accused persons i.e. two applicants and one Ashutosh Tayade who assured that on the basis of her clearing 12th science examination, she would be entitled for being appointed as 'Arogya Sevika'. However, for securing such an appointment, a demand was made of Rs.10,50,000/-. Being assured she has stated that her family, collected the money which was to payable and agreed to pay it in tranches. It was agreed that Rs.5 Lakhs should be paid on the date of interview and Rs.5,50,000/- should be paid before the appointment order is issued.

In order to give effect to the said conspiracy, the victim was asked to accompany to Vasantrya Naik Rugnalaya, Yavatmal and she was made to sign certain forms by assuring that the employment would be secured.

5. During the course of this action she came across another girl, who was also duped in a similar manner and she informed Sakshi that she was also required the part with an amount of Rs.10,50,000/-. Even an appointment order as 'Arogya Sevika' was also shown to her which was coupled with a demand

of Rs.6,50,000/-. However, since the amount be assured could not paid during the stipulated period, they were informed that the appointment could not be given effect to, as the appointment order has been issued to some other person. Thereafter, they were induced to accept the appointment in Income Tax Department in as 'Assistant' (Group – 'C') and for that purpose also a sum of Rs.15 lakhs was demanded.

6. The witnesses have given the details of the manner in which she has been duped and despite parting with the amount, neither the amount came back, nor an appointment was issued. Pertinent to note that a letter from the Income Tax Department in the form of appointment letter was also posted at her address, but subsequently it was realized that it was a fraudulent document.

7. The accusations faced by the two applicants are serious in nature and it is not only the complainant and his daughter who have been duped, but according to the learned APP, the same *modus operandi* was operated in respect of two other victim girls, out of which, the victim Sakshi has made reference to Mrs.Pooja Wadaskar who had parted with the sum of Rs.10,50,000/-.

8. The learned counsel for the applicants vehemently submit that in fact it is the applicants who have been duped by other co-accused, but when specifically asked whether any FIR has been lodged by her, the answer is in the negative. She also submits that because the victim girl Sakshi was carrying an affair with Ashutosh Tayde, the son of applicant No.1 and brother of applicant No.3, they have falsely implicated.

I am not ready to buy the aforesaid arguments, since looking to the nature of the accusations faced, when it is particularly seen that not only the complainant, but there are other victim also who have suffered a similar blow by parting their money, on the pretext that the job would be offered, the offence being serious in nature, I am not inclined to accept the said argument.

9. However, when I have carefully perused the complaint as well as material placed before me by the learned APP, as far as the applicant No.2 Ku.Avishaka Tayde is concerned, who is a young girl aged 19 years girl and prosecuting her education, when the complaint as well as the statement of Sakshi is perused, though it refers to her presence, no specific overtact has been attributed to her, which

warrant her a protection from arrest subject to the stipulation that she shall render her co-operation to the Investigating Officer.

Hence, the application of applicant No.1 is rejected. Applicant No.2 is admitted to protection subject to following conditions :-

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.1323/2022 registered with Police Station Gadge Nagar, Amravati applicant No.2 – **Ku.Avishaka Anil Tayde**, 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 on Monday and Tuesday for a period of two weeks between 3.00 to 5.00 p.m. and thereafter, as and when called for.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

10. The observations made above are *prima facie* in nature and are restricted for the purpose of determination of the application and trial Court shall not be influenced by the aforesaid observations when the applicant is tried as an accused.

11. Application is disposed of.

[BHARTI DANGRE J.]