

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

ANTICIPATORY BAIL APPLICATION NO. 422 OF 2024

Jalindar Pandurang Kadam

.... Applicant

Versus

The State of Maharashtra

.... Respondent

YUGANDHARA
SHARAD
PATIL

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Mr. Prashant Hagare i/b Ujjwala S. Khomane, for the applicant.
Mr. Balraj B. Kulkarni, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th FEBRUARY, 2024

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No. 542 of 2023 registered at Malshiras Police Station, District Solapur under sections 420, 465, 486 r/w 34 of the Indian Penal Code.

2. Heard Shri Hagare, learned counsel for the Applicant and Shri Kulkarni, learned APP for the State.

3. The FIR is lodged by one Abhishek Aswale. He has stated that his uncle informed that the present applicant who was Security Officer of a sugar factory, Malshiras was telling him that he knew many superior officers in Railway and they could give jobs. The applicant had told the informant's uncle that those officers were taking Rs. 12 lakhs could and give a job as T.C. Thereafter, the informant, his father, uncle and others met the applicant in his house on 25/06/2022 and paid Rs. 5 lakhs and after two-three days gave Rs. 7 lakhs to the applicant's cousin. Thus he paid Rs. 12 lakhs to the applicant. He also gave some documents to the applicant on 06/07/2022. He received a joining letter from Railways for the post of T.C. The informant showed that letter to the applicant. On the instructions of the applicant, the informant went to Parel and met one Mr. Galande. The informant met Galande at Mumbai. On 15/07/2022, Lakashmi Galande took him to CST, Mumbai and introduced him to one officer by name Deshmukh. He was taken to main office of CST. He took the joining letter and gave his finger prints. The informant was told that he would receive a mail within two to

three days. There were others like informant present in that office. All of them were present in the hope of getting job. On 18/07/2022,he get an email asking him to remain present at Ghorpadi, Pune for the basic training. He went to Ghorpadi at the instance of Deshmukh and took the basic training. Thereafter, he was told that by 08/08/2022, he would get an ID card and a salary account but thereafter he did not receive anything. He met the applicant who told him that within a few days he would get PF number. But the informant did not receive it. The informant realized that he was cheated. On this basis, the FIR is lodged.

4. Learned counsel for the applicant submitted that the entire offence is committed by one Galande and only because the amount was paid in te applicant's presence,he is roped in. Learned counsel for the applicant relied upon a criminal complaint filed by the applicant against Vishnu, Lakashmi, Omkar and Shubham Galande. He submitted that after filing of this complaint, The FIR is lodged against the applicant.

5. Learned APP relied on the averments in the FIR. The applicant had given cheques to the informant but they were dishonoured. The applicant's role is clearly made out.

6. I have considered these submissions. The manner in which the offence is committed shows that it was committed with pre-plan and with the help of many other accused including the present applicant. The applicant has played a definite role. The entire offence started with his initiative and in the last stage also the applicant had promised that the informant would get PF number. Thus the applicant's role is clearly noted down in the FIR itself. The offence is serious. Applicant's custodial interrogation is therefore necessary. Though the applicant has filed complaint against others, the applicant cannot take advantage of that fact in view of the specific allegations against him in the FIR. In this view of the matter, no relief can be granted to the applicant. The application is rejected.

(SARANG V. KOTWAL, J.)