

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

ANTICIPATORY BAIL APPLICATION NO.528 OF 2024

Jagannath Mohan Kengar Applicant

versus

State of Maharashtra Respondent

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- Mr. Umesh H. Pawar a/w Mr. Sagar R. Sonawane, Advocate for Applicant.
- Mr. Nitin B. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 26th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.69/2024, dated 06/02/2024, registered with Azad Maidan Police Station, Mumbai, under sections 419, 420 r/w 34 of the Indian Penal Code.
2. Heard Mr. Umesh H. Pawar, learned counsel for the Applicant and Mr. Nitin B. Patil, learned APP for the State.

3. The FIR is lodged by one Vinod Rakshe. He was Senior Clerk working with the Recruitment Desk, Police Commissionerate, Mumbai. He has stated that their office was conducting the process of recruitment. On 04/10/2023 the list was published. On 18/12/2023, the waiting list was published. On 04/02/2024 one Police Constable attached to D. B. Marg police station, informed him that one Nitin Bhange was taking money from the candidates assuring them of getting that particular post. He further informed that one unknown person had accepted money from those candidates on 05/02/2024. That unknown person was sitting on a two wheeler No.MH-02-FS-9972. The candidates who were handing over the amount to the said person, had taken his photograph. It was forwarded to the first informant. Similarly, the informant was also forwarded the screenshot of the email mentioning that the candidates were called for verification of documents on 08/02/2024 to 09/02/2024. According to the informant, that email was sent from a fake email ID and it was not issued by their office. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that in the FIR the name of the said Bhange is wrongly mentioned. His real name is Nilesh. He submitted that the Applicant had accepted that amount as alleged in the FIR, but it was accepted on behalf of Nilesh. He accepted that amount on 04/02/2024 and not on 05/02/2024. According to learned counsel for the Applicant, Nilesh Bhange was conducting his academy of giving training for such recruitment process. For the purpose of admission, he had asked the Applicant to collect the money from his prospective students. Learned counsel submitted that the money which was accepted by the Applicant was under the belief that it was for the fees for those particular courses conducted by Nilesh. He submitted that in this view of the matter, the Applicant cannot be said to have committed any offence and therefore his custodial interrogation is not necessary.

5. Learned APP produced the investigation papers before me. He submitted that there are photographs of the incident, wherein the Applicant had accepted the amount from the

candidates. There is CCTV footage showing presence of the Applicant in the Commissioner's office. His role is described by those victim candidates. It is a serious offence against the State. The candidates are the victims. The email sent was not actually issued by the Commissioner's Office. Therefore, the offence has assumed even more seriousness.

6. I have considered these submissions and I have perused the investigation papers. The investigation papers contain statements of victims/candidates. They are Rishikesh, Vishwajeet and Gurudev. They have stated that they had paid the amount to the accused and they have taken the photograph of the Applicant on the motorcycle. They attributed a specific role to the Applicant. The CCTV footage of the Commissioner's office is not in the papers. However, learned APP on instructions of the Investigating Officer stated that CCTV footage shows the Applicant's presence in the Commissioner's office. Even learned counsel for the Applicant has not disputed that fact.

7. Considering the material available against the present Applicant, the Applicant cannot claim innocence and ignorance about the offence. He had accepted the amount. He has not issued any receipt for the course. The victims had not told him that they were paying that amount for the course. All the victims have named the Applicant as the person along with Nilesh who had made false representation because of which, they had paid the money. Thus, there is sufficient material against the present Applicant. As the offence is serious, his custodial interrogation is necessary. The application is rejected.

(SARANG V. KOTWAL, J.)