

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

ANTICIPATORY BAIL APPLICATION NO.1553 OF 2022

Prakash Bapurao Patil

.....Applicant

Versus

The State of Maharashtra
and another

.... Respondents

Mr. Rajiv Patil, Senior Advocate i/b. Vrushali L. Maindad for
the Applicant.

Ms. Pallavi N. Dabholkar, APP for the Respondent No1-State.

Mr. Sidheshwar Biradar, Advocate for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No.I-27/2022 registered at Gangapur police station, District-Nashik under Sections 420, 406, 468, 471 read with 34 of IPC.

2. Heard Mr. Rajiv Patil, learned Senior Counsel for the Applicant, Ms. Pallavi Dabholkar, learned APP for the Respondent No.1 and Mr. Sidheshwar Biradar, learned counsel for the Respondent No.2.

3. The FIR is lodged by one Vaibhav Wadkar on 13.2.2022. He has stated that he was studying in Bhosala Military School and was Graduated in M.Com. In June, 2018 he and his relative Rahul were contacted by his relatives Sandip Upase and Dayanand Upase residents of Karnataka. They told the informant that the present Applicant is from their place and he was a big officer. He had given Government jobs to many boys from their place. Both of them were after the informant to take help of the Applicant. After their persistent representations and since Sandip and Dayanand were his relatives, the informant and his family decided to trust them. Both of them told the informant that the informant will have to pay money in cash. The Applicant would be responsible for such payment. In June, 2018 Rahul Balure was taken by Dayanand and one Avinash Jadhav to the Applicant's house. At that time Dayanand introduced the present Applicant to Rahul Balure and Avinash Jadhav. At that time the Applicant told Rahul Balure that one Niranjan would help them getting

a job with the Railways; and that he had gone abroad and he would return after 15 to 20 days. The Applicant further told him that he was sending those boys to Kolkata and Sandip Upase was looking after their needs in Kolkata. Sandip was directly in contact with Nirranjan. He further told Rahul and others that further information would be given by Sandip and Dayanand. Rahul Balure came back and told this conversation and details of his meeting to the informant. The informant decided to trust the Applicant and to pay money. Sandip and Dayanand again reiterated that the Applicant would be responsible for the payments and if they did not get the job, the Applicant would return the amount, but, they insisted that the amount was required to be paid in cash. The FIR mentions that Rahul and the informant paid an amount of Rs.13 Lakhs from time to time at different occasions to Sandip and some person at his instance. The informant was given one appointment letter for Eastern Railways. Rahul was similarly given another appointment letter for Eastern Railways. Subsequently, it was found that

those appointment letters were forged. They had lost their money. On this basis, the FIR is lodged.

4. Learned Senior Counsel for the Applicant submitted that the money was not paid to the Applicant directly. There is nothing to show that the Applicant had met the informant or had made any false representation to him. He submitted that the entire narration in the FIR indicates that the main offenders are Dayanand, Sandip and Niranjana. It is quite possible that they had committed this offence without the knowledge of the present Applicant. He submitted that all these three main offenders had used the Applicant's name to commit the offence. The Applicant has no connection with the said offence. He further submitted that the Applicant has already deposited Rs.13 Lakhs in this Court and, therefore, the prayer for anticipatory bail be considered sympathetically.

5. Learned APP as well as learned counsel for the first informant strongly opposed these submissions. Learned counsel for the first informant submitted that the

aforementioned Avinash had even committed suicide because of the misdeeds of the present Applicant.

6. Learned APP submitted that the informant and Rahul are not the only victims and, therefore, deposit of their amount in this Court does not cover the entire offence. She submitted that the investigation has revealed that there are 21 victims who were similarly cheated and the misappropriated amount is much higher. Therefore, merely by permitting the Applicant to deposit Rs.13 Lakhs does not wipe out the offence. His custodial interrogation is necessary. There are other victims.

7. Learned APP further submitted that the matter pertains to forgery of appointment letters purportedly issued by the Railways and, therefore, the matter assumes seriousness. Learned APP produced the investigation papers before me.

8. I have considered these submissions. The investigation papers contain statements of other victims.

There is statement of Rahul Balure, who is referred to in the FIR. He has specifically mentioned that in June, 2018 he along with Dayanand Upase and Avinash Jadhav had met the Applicant at the Applicant's house. He had described the conversation with the Applicant and the assurance given by the Applicant.

9. There are statements of other witnesses like Bhagwat Jadhav and Narsing Telgave. They have also stated that they had personally met the present Applicant and the Applicant had made similar inducement and representation to these victims. The victim Bhagwat Jadhav had paid around Rs.6 Lakhs. Said Bhagwat Jadhav was father of Avinash Jadhav. He was given forged appointment letter in respect of Avinash Jadhav. The Applicant had initially returned Rs.2 Lakhs. Aforementioned Avinash Jadhav committed suicide. After that the Applicant returned balance amount of Rs.6 Lakhs to this witness Bhagwat. Narsing Telgave was similarly cheated. He also had a personal meeting with the present Applicant. He had also

paid Rs.6 Lakhs. He was returned Rs.4 Lakhs. All this shows that the Applicant had cheated many people with the same *modus operandi*. He had used the forged appointment letters and the poor victims who were in desperate need of jobs were cheated.

10. The amount involved in the offence is not restricted to Rs.13 Lakhs pertaining to the informant and Rahul Balure. There are other victims. More than the amount involved, the manner in which the offence was committed shows that the Applicant's custodial interrogation is necessary. The offence is serious. No case for grant of protection under section 438 of Cr.P.C. is made out. The Application is rejected.

11. The amount which is deposited by the Applicant in this Court during pendency of this application is permitted to be withdrawn by the Applicant as the present Application is disposed of.

(SARANG V. KOTWAL, J.)