

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1512 OF 2024**

Satyen Bhimsen Gaikwad ... Applicant
versus
State of Maharashtra ... Respondent

Mr. Vishal Deshmukh with Mr. Anil Panjol for Applicant.
Mrs. Rajashree Neuton, APP for State.
PI Nanavare H.M., DCB, CID Unit No.6 Chembur present.

CORAM: N.J.JAMADAR, J.

DATE : 19 JUNE 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant who is arraigned in C.R.No.316 of 2022 registered with DCB CID Unit VI (Chembur Police Station C.R.No.666 of 2022) for the offences punishable under Sections 120B, 420, 465, 468, 471, 170 of the Indian Penal Code, has preferred this application to enlarge him on bail.
3. The applicant allegedly entered into a criminal conspiracy with co-accused Mahadeo Shirwale (A1), Nitin Sathe (A2), Sachin Dolas (A3), Mahendra Sakapal (A4), Gokuldas Kathale (A6), Ankush Babar (A7) and Bapurao Jadhav (A8) to deceive the candidates who were in search of employment by making a false representation that they would be given employment in Mantralaya and induced them to part with huge amount. The applicant and co-accused had made a farce of subjecting the candidates to interview and medical examination. Qua the applicant, it

is alleged that the applicant had received a sum of Rs.13,180,000/- through Krishna Chitre. The applicant had induced the candidates to part with the amounts by representing them that they would be interviewed by the Secretary in General Administration Department, and, thereafter, give the employment. It is further alleged that the candidates were, in fact, interviewed in the Mantralaya premises with the co-accused Ankush (A7) and Sachin (A3), who were working as Peon in the GAD, Mantralaya, facilitating the entry of the candidates in the Mantralaya premises.

4. Learned Counsel for the Applicant submitted that the initial representation was not made by the applicant. The statement of Krishna Chitre, on which the prosecution primarily banks, indicates that the initial representation was made by Gokuldas Kathale. The statement of other witnesses indicate that Krishna Chitre was also privy to the alleged offences and had collected money from the candidates who were allegedly duped. Out of the amount of Rs.13,18,000/- which was allegedly credited to the account of the applicant, a sum of Rs.4,39,500/- has been shown to have been returned by the applicant to Krishna Chitre. The applicant has been in custody since 20 January 2023. In this view of the matter, as the investigation is complete, the applicant be enlarged on bail.

5. Learned Counsel also invited attention of the Court to an order dated 27 March 2024 passed in BA No.294 of 2023 whereby co-accused Ankush (A7), came to be released on bail.

6. Learned APP resisted the prayer for bail. It was submitted that the role attributed to the applicant is quite distinct from that of Ankush (A7), who has been released on bail. Thus, the principle of parity does not apply. There are specific allegations against the applicant of having induced unemployed youths to pay money. Therefore, the applicant does not deserve to be released on bail.

7. Indeed, there is prima facie material to show that the applicant and co-accused have deceived the unsuspecting unemployed youths to part with the amounts by making a farce of recruitment process. The vulnerable situation of the unemployed youths seems to have been exploited by the applicant and the co-accused. At the same time, it is necessary to note that the allegations of inducing unemployed persons to part with the money by making a false representation of the employment have been made against a number of persons. Was there a general conspiracy involving the applicant and all the co-accused, would be a matter for trial at the trial. The role attributed to the applicant is that of duping the victims to the tune of Rs.13,18,000/-. In the chargesheet itself, it is disclosed that out of the said amount, a sum of Rs.4,39,500/- was returned by the applicant to Krishna Chitre.

8. In the aforesaid backdrop, the period of incarceration of the applicant deserves to be kept in view. The applicant has been in custody for one and half years. The offences are triable by a Magistrate. Investigation is complete for all intent and purpose. Chargesheet has been lodged. Having regard to the nature of the accusation,

number of accused and the number of witnesses which the prosecution would be required to examine to substantiate the indictment against the applicant and co-accused, it is unlikely that the trial can be concluded within a reasonable period.

9. I am, therefore, inclined to exercise the discretion in favour of the applicant.

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Satyen Bhimsen Gaikwad be released on bail in C.R.No.316 of 2022 registered with DCB, CID Unit No.6 Mumbai on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence before DCB, CID Unit No.6, Mumbai on first Monday of every alternate month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case

there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)