

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1456 OF 2024**

Satish Sanjay Wankhede	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Vivek Punjabi a/w. Ms. P. Zaiwalla for applicant.

Ms. Rutuja A. Ambekar, APP for respondent-State.

Mr. Motilal D. Patil, PSI, Police Station Gangapur, District Nashik.

CORAM : MANISH PITALE, J.

DATE : 24th JUNE, 2024

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant has approached this Court as he apprehends arrest in connection with FIR No.68 of 2024 dated 23.03.2024 registered at Police Station Gangapur, District Nashik for offences under section 420, 406, 468 and 471 read with 34 of the Indian Penal Code, 1860.

3. The grievance of the informant leading to registration of FIR is that the accused No.1 lured him into parting with huge amount of money on the false promise of securing appointment letter in the Health Department. It is alleged that the applicant before this Court, in connivance with accused No.1, gave an impression to the informant and other innocent persons that they would be given appointment in service in Government department on payment of huge amounts of money.

4. The learned counsel appearing for applicant submits that in the first place, the applicant was not arraigned as an accused in the FIR, despite the fact that there was a reference to one Mr. Wankhede in the statement leading

to registration of FIR. It was emphasized that the full name of the applicant was not specifically stated by the informant and in any case, the informant himself stated that he did not know the applicant and that the thrust of the allegation was against accused No.1.

5. It was further submitted that accused No.1 has been granted bail and in its order, the Sessions Court has made observations, which indicate the inherent improbability of the story with which the informant has come before the police. It is further submitted that the chargesheet has now been filed and even if the material on record with the chargesheet, including the whatsapp chats between the accused No.1 and the applicant, are taken into consideration, there is nothing to indicate any incriminating material against the applicant. It is submitted that the informant has not even raised any grievance against the applicant and that therefore, the present application may be allowed.

6. On the other hand, the learned APP invited attention of this Court to the documents that have come to light during the course of investigation, particularly whatsapp chats said to have been exchanged between accused No.1 and applicant and statement of bank accounts of the applicant showing specific amounts being credited by the accused No.1. Reference is made to the statement dated 24.03.2024 of the accused No.1, wherein he has specifically stated that he and the applicant have been associated for the past 7-8 years and he has given details as to the manner in which the two accused persons have acted, in order to dupe the innocent persons with the promise of obtaining jobs for them in Government department. It is submitted that since the applicant himself is not concerned with any Government department at all, the tenor of whatsapp chats clearly indicates his involvement with accused No.1 even in the present case.

7. This Court has considered the material on record as also the

documents forming part of the chargesheet. The FIR initially did not specifically name the applicant as an accused person, although the statement of the informant leading to registration of FIR, does refer to the fact that the accused No.1 was attributing delay in obtaining appointment order for the informant and others due to the delay on the part of one Mr. Wankhede, who allegedly was involved in preparing such appointment orders. Reference was also made to the accused No.1 having stated that he had transferred certain amounts obtained from the informant, to the applicant before this Court. During the course of investigation, when further material came to light, the applicant was arraigned as accused in respect of the said FIR.

8. This Court has considered the bank account statements showing transfer of certain amounts by the accused No.1 to the applicant. The whatsapp chats allegedly exchanged between the accused No.1 and the applicant indicate that they were constantly in touch with each other and the chats referred to employment opportunities available with various departments of the Government and reference to certain orders that were likely to be prepared/issued. At this stage, the applicant has no explanation as regards the aforesaid material showing his association with accused No.1, thereby indicating *prima facie* case against him.

9. The fact that accused No.1 has been granted regular bail, cannot inure to the benefit of the applicant, for the reason that the parameters for granting regular bail are distinct and different from the parameters governing the application for anticipatory bail.

10. In view of the above, no case is made out for allowing the present application. Accordingly, the application is dismissed.

(MANISH PITALE, J)