

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

ANTICIPATORY BAIL APPLICATION NO. 2278 OF 2024

Dipesh Basisth Sharma	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Shailesh Kharat for the Applicant.
Mr. R. M. Pethe, APP for Respondent-State.
Mr. Amir Tarfe, PSI, Ravet Police Station.

CORAM: MANISH PITALE, J.
DATE : 18th SEPTEMBER 2024

P.C. :

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

2. By this application, the applicant seeks protection from arrest, as he is apprehending arrest in connection with FIR No. 0015 of 2022 dated 17th July 2022, registered at Revet Police Station, Dist. Pimpri-Chinchwad, for offences under Sections 406, 420, 467, 468, 475, 472, 475, 120-B read with 34 of the Indian Penal Code, 1860 (IPC).

3. The applicant is one of the 5 named accused persons in the FIR. Although, the FIR was registered as far back as on 17th July 2022, the applicant approached the Sessions Court for anticipatory bail, much later in the year 2024.

4. The allegation against the applicant is that he along with other accused persons duped the informant and other victims by

extracting amounts from them on false promise of providing Government employment.

5. The learned counsel for the applicant submits that the order granting regular bail to co-accused person would show that an earlier FIR bearing No.134 of 2022 was registered against the accused No.1 herein, for a different set of offences, wherein the informant had alleged that she had transferred amount of Rs.20 lakhs for the purpose of business to the said accused No.1. Subsequent FIR i.e. the subject FIR in the present case, levelled allegations not only against the accused No.1, but against the co-accused persons, including the present applicant. In the order granting bail to the co-accused persons, it was recorded that while in the initial FIR bearing No.134 of 2022, allegations regarding cheating on the part of the accused persons were not made and it appeared to be a subsequent thought and an improvement when the subsequent FIR was registered. It was submitted that since the applicant is ready to cooperate with the investigation, this Court may consider granting protection from arrest to the applicant.

6. On the other hand, the learned APP submitted that the statement of the informant, leading to registration of FIR, sufficiently makes out ingredients of the offences against the applicant. There is a specific reference to transfer of amount into the account of the applicant. There is material to show that the victims actually visited Kolkata under the impression that an appointment order was issued in their favour by the Food

Corporation of India (FCI). But, later they found that they were cheated by the accused persons, including the applicant. It was submitted that the earlier FIR No. 134 of 2022 was in a different set of facts, with which the allegations made against the applicant in the present case have no concern. Reliance was placed on the documents on record to pray for dismissal of the application.

7. Having heard the rival submissions and upon perusal of the material on record, this Court is inclined to dismiss the present application, for the following reasons :

- (a) A perusal of the statement, leading to registration of the FIR, shows that specific allegations are made against the applicant as the person who held out promise of providing employment with Government bodies, upon specific amounts being paid by the victims. There is a specific allegation of amount of Rs.2.90 lakhs being transferred into the account of the applicant in that context.
- (b) The aforesaid contents of the statement of the informant do *prima facie* make out the ingredients of the offences registered in the present case.
- (c) The documents on record reveal that on the basis of such promises made by the accused persons, including the applicant, the victims actually travelled to Kolkata and stayed at a particular hostel. The statement of the Manager

of the said hostel is on record, indicating that the victims indeed stayed for 15 days at the hostel and this is supported by the entries in the register maintained by the said hostel.

- (d) Copy of a purported appointment order dated 11th November 2021 is also on record, showing that one of the victims was directed to report to the FCI at Kolkata for training. This document is disowned by the FCI itself, as per the letter dated 22nd February 2022. It is clearly stated therein that there is no such post as Food Inspector in FCI.
 - (e) The aforesaid material does make out a *prima facie* case against the applicant.
 - (f) The reliance placed on an order passed in favour of co-accused persons, granting regular bail is misplaced, for the reason that the considerations for granting regular bail are different and also for the reason that insofar as the applicant is concerned, this Court finds sufficient material on record to make out a *prima facie* case against the applicant.
8. For the aforesaid reasons, the application is dismissed.

MANISH PITALE, J.