IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.2604 of 2024

Shashikant Ramawtar Vishwakarma
Aged: 30 Years, Ocu – Service,
R/at Hanuman Nagar, Behind
Hanuman Mandir, OT Section,
Ulhasnagar, Thane – 421002,
Maharashtra … Applicant

Versus

The State of Maharashtra
Ulhasnagar Police Station … Respondent

Mr Anjaykumar Kori, along with Mr Sushant Ghadage and Mr Anup Kamble, for the applicant.
Ms Supriya Kak, APP, for the respondent/ State.
PSI NK Rathod, Ulhasnagar Police Station, Thane, is present.

Coram: R. N. Laddha, J.
Date: 26 September 2024

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.3 of 2023, registered at Ulhasnagar Police Station, Thane, for offences punishable under Sections 406, 420, 504 and 506 read with 34 of the Indian Penal Code (IPC).

2. The applicant and the co-accused, Parveen Sayyad, stand accused of persuading the informant to pay Rs.20 lakhs with the promise of employing his son as a Junior Engineer in the

Ordinance Factory at Ambernath. Accordingly, the informant transferred Rs.13 lakhs to the applicant and Rs.2 lakhs to the co-accused by various banking channels. However, these accused neither provided the assured job nor returned the accepted money, thereby cheating the informant.

3. Mr Anjaykumar Kori, the learned Counsel appearing on behalf of the applicant, contends that there were business transactions between the parties and that the dispute is purely civil in nature. The informant herself works in a government department and is aware that the recruitment cannot be done in this fashion. The learned Counsel points out that the allegations in the FIR do not meet the criteria of cheating as prescribed under the IPC. Mr Kori asserts the applicant's innocence and claims that the applicant has been falsely implicated in the present crime.

4. Ms Surpriya Kak, the learned Additional Public Prosecutor representing the respondent/ State, argues that the applicant and the co-accused have deceived the informant by accepting a significant sum of money under the pretext of providing employment, and the applicant accepted Rs.13 lakhs in his bank account. The applicant has actively participated in the commission of the crime. Further, the ongoing investigation has revealed that few others have raised similar grievances against the applicant, necessitating the applicant's custody.

5. After perusing the records, it appears that the applicant received Rs.13 lakhs from the informant in his bank account. The material on record *prima facie* suggests that the applicant enticed the informant with a promise of a job in the Ordinance Factory by posing as an employee. Further investigation has revealed similar instances of fund misappropriation by the applicant under the guise of providing employment. Furthermore, nothing on record suggests that business relations existed between the applicant and the informant. The investigation is nascent, and the applicant's custodial interrogation would be necessary. In the totality of the circumstances, I am not inclined to accede to the submission on behalf of the applicant that no offence under Sections 406 and 420 of IPC are *prima facie* made out. In a case of this nature, the custodial interrogation of the applicant becomes essential to unearth the truth in all its facets. The possibility of there being similarly circumstanced victims is also eminent. The release of the applicant on pre-arrest bail would jeopardise the course of effective investigation. I am, therefore, not inclined to exercise discretion in favour of the applicant. As a result, the application stands rejected.

6. It is clarified that these *prima facie* observations are confined to determining the applicant's entitlement to pre-arrest bail only.

(R. N. Laddha, J.)