IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2615 OF 2024

Sanjay Shankarlal Shah	…	Applicant
Vs.		
State of Maharashtra	…	Respondent

Mr. Nilesh G. Nidhalkar for Applicant.
Mr. Sagar R. Agarkar, APP for Respondent-State.
Mr. Abaji Jaysingh Jagdale, PSI, Baramati City Police Station.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 26, 2024

P.C. :

. Heard Mr. Nidhalkar, learned counsel for the applicant and Mr.Agarkar, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0336 of 2024 dated 10.05.2024 registered with Baramati Police Station, District - Pune Rural, for offences under Sections 406 and 420 of the Indian Penal Code, 1860 (IPC).

3. At the outset, the learned APP points out that, Anticipatory Bail Application No.2349 of 2024 filed by the co-accused person Pritam Shankarrao Tipayale was dismissed by this Court by order dated 18.09.2024. It is submitted that the role of the present applicant is not distinguishable or different from that of the co-accused person and therefore on this ground itself, the present application ought to be dismissed.

4. The informant, in the present case, in his statement, which led to registration of the FIR, has stated that the applicant herein claimed that

he and the co-accused were running a consultancy to assist interested students in getting admission to various medical courses. On the basis of this impression, the informant was induced into interacting with the accused persons, including the applicant. The accused persons gave an impression to the informant that the admission of his daughter in a medical course would be ensured and that they would facilitate admission in the BAMS Course in an Ayurvedic college, further claiming that the amount, that they had charged, would include the fees for the entire course. A memorandum of understanding (MoU) was also executed between the informant and the accused persons, recording such clauses. The informant claims that although admission was taken by his daughter in the BAMS Course in a college at Uttarakhand, the informant himself was required to shell out amounts for paying the fees of his daughter, thereby indicating that the accused persons, having received huge amount of Rs.16 lakhs, had cheated him.

5. The learned counsel for the applicant submits that the co-accused person was throughout involved in the interaction with the informant and that the applicant did not have any role to play as regards inducement and other such activities. It is submitted that although an amount of Rs.6 lakhs was indeed received by the applicant from the informant, the said amount was transferred to the co-accused person and hence, it cannot be said that the applicant is involved in the offences registered in the present case.

6. On the other hand, the learned APP submits that there are specific allegations against the applicant also. The fact that huge amount of Rs.6 lakhs was received in the account of the applicant clearly shows his involvement in the crime. He submits that since the role of the applicant is not distinguishable from that of the co-accused person whose anticipatory bail application was dismissed by this Court, the present

application also deserves to be dismissed.

7. In the present case, as noted in the order dated 18.09.2024 passed in Anticipatory Bail Application No.2349 of 2024, whereby the application of the co-accused was dismissed, it has been already observed that there is sufficient material to indicate the ingredients of the offences registered against the accused persons. The material on record demonstrates that an amount of Rs.6 lakhs was indeed transferred into the bank account of the applicant. He has no explanation as to why such a huge amount was received in his account. The contention raised on behalf of the applicant that, since he transferred the said amount to the co-accused person, no liability can be foisted upon him, deserves to be rejected as the informant has specifically named the applicant also as the person, who induced the informant into parting with huge amounts of money. It is evident from the MoU that the accused persons had held out a promise to the informant that they would pay even the fees for the entire BAMS Course. The allegation is that they did not pay any amount towards the course fees, as a result of which, the applicant is now required to shell out amounts for payment of fees for the Course for which his daughter has enrolled.

8. There is sufficient material to show a *prima facie* case against the applicant as regards the offences registered against him and the co-accused person. Hence, the application is dismissed.

(MANISH PITALE, J.)

Minal Parab