

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

ANTICIPATORY BAIL APPLICATION NO. 3175 OF 2024

Vinayak Tukaram Kadale

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. S.B. Talekar, Senior Advocate i/b Talekar and Associates, for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent – State.
- Mr. Vishal A. Pawar, API, Sahakar Nagar Police Station.

CORAM : MANISH PITALE, J.

DATE : 28th NOVEMBER, 2024.

P. C. :

1. Heard, Mr. Talekar, learned senior counsel and Mr. Kulkarni, learned APP for respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0274 of 2024, dated 26th August, 2024, registered at Police Station Sahakar Nagar, District Pune City, for offences under Sections 420, 465, 468 and 471 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case has claimed that the applicant represented that he was working with Command Hospital at Pune and since the informant knew the applicant from the year 1986, he believed the assertion of the applicant that he would be able to arrange for jobs at the Command hospital by charging ₹ 70,000/- from every interested candidate. According to the informant, since he wanted to help children of his relatives

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and friends, he found this to be a good opportunity to help them and therefore, he arranged a meeting at his house in November, 2021, wherein it was agreed that such amounts would be transferred by aspiring candidates for securing such jobs. It is further stated that in this process, amount of ₹30,60,000/- was deposited in the bank account of the wife of the informant, which was subsequently transferred to the account of the applicant. It is further stated that interested candidates independently transferred amount of ₹ 18,75,000/- in the account of the applicant, thereby indicating that total amount of ₹ 49,35,000/- was transferred into the bank account of the applicant.

4. In that connection, the applicant forwarded admit cards purportedly issued in favour of such candidates for an examination to be held on 12th February, 2023. Later, it came to light that no such examination was being conducted by the Command Hospital on 12th February, 2023 and it was realized that the applicant had duped the candidates as well as the informant. It also came to light that the applicant had taken voluntary retirement from the Command Hospital in the year 2019 itself. It is on such allegations that the FIR has been registered.

5. The learned senior counsel appearing for the applicant submits that there is obvious delay in registration of the FIR, for the reason that the

amounts were allegedly transferred in the year 2021 onwards and the examination was to be conducted as far back as on 12th February, 2023 and yet the FIR was registered much later on 26th August, 2024. It is further submitted that for the same cause of action two earlier FIRs have been registered, one in Police Station Korba, District Pune and other in Police Station Market Yard, District Pune. It is submitted that in connection with both the FIRs, the applicant has been enlarged on bail. It is submitted that the applicant is ready to cooperate with the investigation and therefore, the application may be allowed.

6. On the other hand, the learned APP submits that the applicant cannot claim any benefit on the basis that there is delay in registration of the FIR, as the informant himself has stated that he was waiting for positive response from the applicant and when it was not forthcoming, he was constrained to have the FIR registered. As regards bail granted in respect of other two FIRs, it was submitted that in both cases default bail was granted and there was no discussion on merits. Attention of this Court was invited to the admit cards sent to the candidates to indicate the manner in which the documents were forged and the direct involvement of the applicant being evident from the transfer of substantial amounts to his bank account. On this basis, it was submitted that the application deserves to be dismissed.

7. This Court has considered the rival submissions in the light of the material brought on record. The statement of the informant clearly brings out that huge amount of ₹ 49,35,000/- was transferred into the bank account of the applicant on the representation made by him that interested candidates, who had transferred such amounts would be provided with employment in the Command Hospital at Pune. The candidates were even issued admit cards for an examination to be conducted on 12th February, 2023. No such examination was conducted and it came to light that the candidates as well as the informant had been duped. Although the FIR registered on 26th August, 2024, at first blush, may appear to be suffering from delay, but this Court is of the opinion that the informant has indicated that attempts were made to pursue the matter and positive response was expected from the applicant, but, when it came to light that the applicant had duped the candidates as well as the informant, he was constrained to move the criminal process.

8. This Court is of the opinion that in the face of huge amounts finding their way to the bank account of the applicant for which *prima facie* there is no explanation forthcoming, the allegations made against the applicant appear to be having substance. It is stated that the applicant has taken voluntary retirement from the Command Hospital in 2019 itself, but he lured and induced the candidates to part with substantial amounts on the false promise of providing employment. Such scams involving public employment

have frequently occurred in the recent past and such scams certainly have a deleterious effect on the faith that common man has in public institutions like the Command Hospital at Pune.

9. The admit cards indicating that the exam would be conducted on 12th February, 2023, further show the nature of criminality involved in the present case and the seriousness of the offences *prima facie* committed by the applicant. Therefore, this Court is not impressed with the contention regarding delay in registration of the FIR.

10. Insofar as the earlier two FIRs are concerned and the orders granting bail to the applicant, suffice it to say, that the bail was granted in respect of the aforesaid FIRs, as a matter of default bail and there is no discussion on the merits of the matter.

11. In view of the above, this Court finds no substance in the present application. Accordingly, it is dismissed.

12. Needless to say, the observations made in this order are limited to deciding the present anticipatory bail application and any further proceedings initiated by the applicant shall be decided uninfluenced by the observations made hereinabove.

(MANISH PITALE, J.)