IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.584 OF 2024
(Vilas Govardhan Jadhav Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

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Mr. B. Dafle, Advocate for applicant.
Mr. A.J. Gohokar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 29, 2024.

By preferring this application, the applicant is seeking pre-arrest bail in connection with Crime No.58/2024 registered with Police Station Akot, District Akola for the offence punishable under Sections 420, 465, 468, 471 and 120-B of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of police as crime is registered on the basis of report lodged by Rupali Sham Gaoli resident of Adgaon, Tahsil Telhara, District Akola alleging that her husband is working in Indian Army and presently posted at Kotha Rajasthan. She studied upto BA and was in search of employment. When she was in search of the employment she got acquaintance with one Sushma Narendra Kukde as the daughter of said Sushma was studied in the school wherein the daughter of the informant was also studying. It was further alleged that on 18/11/2022 she received the phone call of said Kukde who is accused No.3 and informed that there are vacancies in Government Security

Guard and she can get employment within a period of 15 days and demanded an amount of Rs.75,000/- in order to make an application. It is alleged that accordingly she met accused No.3 Shushma on 18/11/2022 and gave her an amount of Rs.75,000/-. Thereafter she was continuously pursuing about the getting of employment but she could not receive satisfactory answer. It is further alleged that again she was informed that there are two vacancies and about the same her cousin brother Arpit Bhurke and Rohit Bhople also paid an amount of Rs.1,14,000/- to the said accused No.3 - Sushma and also handed over the documents. Accused No.3 – Sushma informed that accused No.1 - Arun Harishchandra Rathod had filled up the form and they would receive one time password and thereafter they can pursue regarding the employment of the present informant. Thus, by luring again and again the amount was obtained from them. Thereafter the forged call letters also issued to them. They were asked to undergo medical test to join the service and subsequently it revealed that the call letters as well as the letters for undergoing the medical test are forged letters and when the informant came to know that she was duped, she demanded the amount back but the present applicant though committed to repay the amount has not repaid the amount, on the basis of the same, the crime is registered.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned he has not received any amount and he is not directly involved either

in issuing the call letters or the letters for undergoing the medical test. As far as the applicant is concerned only he was communicated through the conference call at the instance of the other co-accused. He submitted that neither the applicant has received a singly penny from the present applicant nor he is involved in issuing any such letters. In view of that, he be released on bail in the event of his arrest.

4. Learned APP strongly opposed the application on the ground that during investigation the role of the present applicant is revealed. The present applicant on whose name the amount was collected by the other co-accused thereafter there was a communication on a conference call and the present applicant has committed that he would pay the amount back but subsequently he has not paid the said amount. It further reveals from the statements of the witnesses that not only the co-accused but the present applicant has also received the amount and two of the witnesses have received the cheque from the present applicant of Rs.50,000/- which he deposited and it returned as insufficient funds. Thus, the involvement of the present applicant is revealed. As far as the interrogation part is concerned, his custodial interrogation is required as the offence is of a serious nature and the several persons were promised for giving the job and the amount was taken from the them. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that taking the undue advantage of the unemployment the informant as well as other witnesses were asked to pay the amount to get the job. Accordingly, they paid the amount and the forged call letters were issued to them as well as they were asked to attend the medical test by issuing the medical call letters and subsequently, it revealed that the call letters as well as the medical call letters both are the forged documents and the present applicant as well as other co-accused have received the amount from the informant and other prosecution witnesses.

6. During the investigation, the statement of the informant as well as the other prosecution witnesses are recorded from which it reveals that by taking the undue advantage of their unemployment the amounts were obtained from them. Thereafter they were called by issuing the call letters which appears to be forged one. Thereafter they were also called for the medical test and that medical call letters are also forged letters. The Whatsapp call between the present applicant and the other co-accused as well as the informant and the prosecution witnesses shows the involvement of the present applicant in the alleged offence. From the online transaction it reveals that the various witnesses have transferred the amount to the account of Arun Rathod as well as Mohit Rathod. The statements of the witnesses

further reveals that the present applicant has also received the amount from the witnesses namely Mohit Pundalik Rathod to whom the present applicant has issued the cheques and cheques were dishonoured. Thus, contention of the learned Counsel that the present applicant has not received any monetary gain is not substantiated by any material but the investigation papers shows that he has also received the amount from the witnesses namely Mohit Rathod. The conference calls between the present applicant and the other co-accused as well as with the informant also reveals his involvement in the alleged offence.

7. The considerations for grant of anticipatory bail and consideration for grant of bail under Section 439 of Cr.P.C. are different. While considering the application for grant of anticipatory bail the Court has to consider the gravity of the offence, the availability of the applicant for the purpose for interrogation and the nature of the offence and the punishment provided for the same.

8. Here it is not only the allegation that for providing the job, the amount was obtained but further allegation is that they have prepared the forged call letters in the name of Railway Recruitment Board, Mumbai. Thus, the Government organisation’s name is used in issuing the said call letters, not only that their stamps are appears to be used by the present applicant and the other co-accused. Thus, considering the role of the present

applicant in issuing the call letters by using the name of Ministry of Railway and Central Railway reveals the involvement of the present applicant in a grievous offences. The custodial interrogation of the applicant is required to interrogate the manner in which he has committed the said offence. In view of that, the *prima facie* case is made out against the present applicant, and therefore, the application deserves to be rejected.

9. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*