IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1169/2025

HARINARAYAN BHAGIRATHI RAJBHAR ...APPLICANT
VS
STATE OF MAHARASHTRA ...RESPONDENT

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Adv. K H. Giri a/w Dhavan K. Giri, Pratik Yadav, Yashraj Vaswani, and Prachi Gupta for the Applicant.
Adv. Rutuja A. Ambekar APP for the Respondent State.
Adv. Prashant Pandey a/w Dinesh Jadhwani, Ridhima Mangaonkar, Nikhil Sonal, Pramod Sharma i/b W3 Legal LLP for the Intervener.

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CORAM : RAJESH S. PATIL, J.
DATED : APRIL 30, 2025

P.C.:

1. This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure in Crime No. I-94/2025 registered with Mumbra Police Station against the applicant for the offence punishable under Sections 406, 420, 467, 468, 471, 500, read with Section 34 of the Indian Penal Code.

2. On the basis of complaint filed, an FIR has been lodged against the present applicant. The role of the present applicant is specifically mentioned in the FIR.

3. There are total 5 accused arraigned in the FIR. One of the co-accused (Pravin Sinh) has been arrested. The present applicant is

accused no. 5 It has been alleged that the role of the present applicant is that, he had prepared an appointment letter for the first informant as Chairman of MSME, Maharashtra and had asked the first informant to join the post of Chairman in Maharashtra in 25 to 30 days. It is alleged that by misusing a letter head wherein the Government of India's emblem has been used. So also, an Id-card showing the first informant as Chairman of MSME, Maharashtra was held over. On the said Id-card signature of the present applicant is inserted. The Government emblem is also found on the said Id-card. Thereafter, when the first informant met one more victim by name Dr. Aditya Patakrao, who has filed the separate FIR for the bogus appointment letter and bogus Id-card issued, he realized that he has been cheated. Pursuant to which the crime is registered.

4. It has been argued by Mr. Giri, learned counsel for applicant that this is not a case that any amount was paid to the present applicant. The present applicant is an Ex-Minister of the State of Uttar Pradesh and also the Ex-Member of Parliament. The present applicant is barely studied till second standard in a vernacular medium and he has very limited knowledge of English Language. The present applicant has not cheated the first informant or any other person. The present applicant was made a working Chairman of a company called as MSME Export Promotion Council. When the present applicant realized that the

letter head of the present applicant are misused, he immediately resigned from the said post. According to the applicant, there is a huge delay in filing the FIR.

5. The learned APP has shown me certain documents, pursuant to which, it can be seen that appointment letter dated 9 September, 2020 is on a letter head, where, the Central Government emblem was used. The said appointment letter states that the first informant is nominated as State Chairman of MSME. Admittedly, the said appointment letter was signed by the present applicant. In the bottom of the said appointment letter, the name and address of MSME Export Promotion Council has been stated. Therefore, according me, in short, what has been tried to be shown as, on letter head of Government, an address of a private body has been inserted. However, according to me, due to the Central Government's emblem, the letter/order looks as if the Government has issued the order. So also, a photo copy of the identity card in the name of first informant has been shown to me. The said photo copy shows the photograph and name of the first informant and further the emblem of the Central Government has been inserted, so also, it has been written as Government of India. The said identity card has been signed by the said applicant. Further certain photographs of the present applicant signing certain documents which according to the first informant is the appointment order of the

first informant as Chairman of MSME, Maharashtra State. So also, photographs where, the present applicant is presenting flower bouquet to the first informant can be seen. It is also pointed out to me that the Central Government has realized that some kind of fraud has been played by individuals, and hence, on 19 December 2020, the Joint Secretary of MSME issued a "Alert letter" to the public in general to be aware of unauthorized and ill-intentional activities of MSME Export Promotion Council, as the said body was sending messages in media and social media regarding of issuance of appointment letters to the post of director of MSME Export Promotion Council, by using the name of Ministry of MSME.

6. The learned APP has pointed out at least 11 victims have approached the investigating officer complaining about the co-accused and even the present applicant, using the same modus operandi to cheat people. Two more FIRs have been lodged against the present applicant, one at Rohtak Police Station, Haryana for offences punishable under Section 406, 420 and 34 of the Indian Penal Code and another at Sangavi Police Station, Pimpri Chinchwad, for offences punishable under Section 406, 420, 467, 468 of the Indian Penal Code. The learned APP has also submitted that while investigating, the investigating officer has found 11 appointment letters signed by the present applicant, address to different individuals for the post of Chairman of MSME

Maharashtra, Haryana, Uttar Pradesh and Tamilnadu. Therefore, according to me the theory put up by the applicant that he has resigned from the company called as MSME Export Promotion Council and the fact that he has resigned because he found that his letter head has been misused, holds no water as the present applicant has not lodged any complaint against individuals, who according to him, have misused his letter head.

7. It has been alleged that the present applicant has used letter head with Central Government emblem, so also his signature is found on Id-card which bears Central Government's emblem and name of Government of India.

8. As regards, delay in lodging the FIR is concerned, it has been argued before me that after the first informant got knowledge that he has been cheated, he kept on following up with the present applicant. He was running from pillar to post as the present applicant was an Ex-Minister of Uttar Pradesh and was also an Ex-Member of Parliament, therefore, to lodge a complaint against such powerful person, it was difficult for the first informant. However, when he realized that he has no option of recover of his money and realizing that this was crime which was committed by the applicant and his crew and their intention was to cheat from beginning, as fabricated Government documents have been used. So also, on behalf of the first informant, it

was argued that the first informant also induced by the applicant by introducing him to a sitting Member of Parliament and directing him to give a Fortuner four wheeler to the said MP, so that she will take steps to help the first informant. According to me, there was enough reasons for the first informant to lodge this FIR after some time.

9. As pointed out by the learned APP that this is not a case where only one person has been cheated, their seems to be many more victims, who have been cheated by the present applicant and has been argued by the learned APP that in every crime, the present applicant has used a different team. Therefore, in order to investigate the matter, the interrogation of the present applicant would be necessary.

10. On behalf of the applicant, there is a reference of two authorities of the Supreme Court on the issue of delay.

a) Lalit Chaturvedi vs. State of Uttar Pradesh [AIR Online 2024 SC 366].

b) Jai Prakash Singh vs. State of Bihar [2012 AIR SCW 2081].

11. As regards *Lalit Chaturvedi* (supra) the Supreme Court was dealing with the facts where there were private parties involved. The offence was to be registered against the private party. Therefore, the Supreme Court held that no details and particulars were given regarding when and on which date and place, threats were given. The

allegation of threats appears to have been made with an intend to activate police machinery for recovery of money.

12. In my view, the authority of *Lalit Chaturvedi* (supra) will not help the present applicant as the present applicant is an Ex-Minister from Uttar Pradesh Government and an Ex- Member of Parliament. The first informant is not seeking recovery of his money paid. He has pointed out to the police machinery on the basis of the FIR lodge that how the present applicant along with his team, by using Central Government emblem, using his letter head which has the emblem of Central Government, issuing id-cards to people and issuing appointment letters on the letter head had duped many persons including the complainant.

13. As regards the authority of *Jai Prakash Singh* (supra), the same only refers for delay in filing of FIR, and states that the promptness in lodging the FIR is an assurance regarding truth of the informant's version. A promptly lodged FIR reflects the first hand account of what has actually happened, and who was responsible for the offence in question.

14. Again in my view, the findings recorded in the Judgment of *Jai Prakash Singh* (supra) will not help the present applicant as in the present case, while lodging the FIR, the first informant has stated the

reasons as to why the FIR has been lodged after some time as the present applicant being a very powerful person being an Ex- Minister and an Ex- Member of Parliament, it was difficult for the first informant to lodge complaint against him. So also, the fact remains that the present applicant introduced the first informant to a sitting Member of Parliament, who was to be given a Fortuner car, so that she would help the first informant.

15. On behalf of respondent no. 2 following authorities have been referred.

a) *Siddhesh Pandurang Sawant vs. State of Maharashtra [passed in ABA/161/2025]*

b) *Sheetal Swapnil Deshmukh vs. The state of Maharashtra [passed in ABA/7020/2025]*

c) *K. T. Rajenthrabhalaji And Anr vs. State through the Inspector of Police, District Crime Branch And Anr. [passed in Crl.O.P. (MD) No. 18236 of 2021]*

16. The case of *Siddhesh Pandurang Sawant* (supra) refers to a letter of CBI being used. The case of *Sheetal Swapnil Deshmukh* (supra) was pertaining to a bank employee who had de-frauded the bank for sum Rs.46,58,800/- and on she being caught, she was ready to return back the entire money which she did along with interest. Considering the Supreme Court Judgments in the case of *Sumitha*

Pradeep vs. Arun Kumar, C. K. And Anr. [(2022) 17 SCC 391], CBI vs. Anil Sharma [AIR OnLine1997 SC 797] and *Nimmagadda Prasad vs. Central Bureau of Investigation [(2013) 7 SCC 446],* I had held that the applicant therein by returning back the money had admitted her guilt. Only by returning back the crime amount would not be enough. The investigation would be necessary as she was dealing with public money.

17. As regards the case of *K. T. Rajenthrabhalaji* (supra), in paragraph 20, it was held that applicant no. 1 is a prominent person holding high position in political party. Though there were direction given to the police to conduct investigation on job scandle, a person of such credentials, given his proximity, patronized whenever it suited. Now, getting enriched and benefited, calling applicant no. 1 blacksheep, opportunist, job racketer misusing applicant no.2's name is big pill to swallow.

18. The findings of the above citation will be applicable in the present proceeding where, the facts are almost identical. Considering the allegations as made against the present applicant in the FIR and the documents which were produced before me, I am of the view that the present anticipatory bail application requires to be rejected. Hence, **anticipatory bail application stands rejected**.

(RAJESH S. PATIL, J.)