Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2872 OF 2026

Subatta Girish Mali ...Applicant

V/S.

The State Of Maharashtra ...Respondent

Adv. Niranjan Mundargi a/w Mr.Kunal Ambulkar, for the Applicant.
Adv. Ashok S. Gawai, APP for the Respondent – State.
PSI - Mr. Jakkalwad, Malad Police Station, Mumbai is present.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 12TH OCTOBER, 2026.

P.C. :-

1. Heard learned counsel for the applicant as well as learned APP for the respondent – State.

2. The applicant is apprehending arrest in connection with Crime No. 968 of 2026 dated 06.06.2026, registered with Malad Police Station, Brihanmumbai, for the offence punishable under Sections 316(2), 318(4), 336(2), 336(3), 338 and 340 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2026 (for short, **"BNS"**).

3. The FIR is lodged on the basis of a report submitted by Ms. Riya Vinayak Sarmalkar, thereby alleging that four accused persons named therein, including this applicant, who is arraigned as accused no.2, had deceitfully assured the complainant that they would secure a Government

job for her in one of the Government Departments, including the Food Corporation of India (FCI), National Highways Authority of India (NHAI) or Bridge Corporation and on that count, induced the complainant to pay huge amounts from time to time.

4. It is alleged in the report that the applicant gained the complainant's trust by sending her appointment letters from various Government Organizations, such as FCI, Bridge Corporation and NHAI and thereby induced the complainant to pay a total amount of Rs. 22,00,000/- into the accounts of the applicant and her mother. The complainant has elaborately stated the manner in which the offence has been committed and she has narrated that from August, 2024 till the date of FIR, the accused no. 1 Dr. Amita Kocharekar, accused no.2 Subatta Mali (applicant herein), accused no. 3 Bhagawat Sharan alias Maharaj and accused no. 4 Umesh Ghosh have induced her to pay substantial amounts from time to time for the purpose of securing Government employment to her. When she demanded the amount back and thereafter only an amount of Rs. 4,23,000/- was returned to her and as such she stood cheated by the accused persons, who have made a wrongful gain of Rs. 17,76,004/-.

5. The complainant has categorically made allegations about the acts of inducement and cheating by this applicant. She has stated that accused no.1 Dr. Amita Kocharekar, had induced the complainant stating that on 15th January, 2025, the complainant was asked to visit Delhi for the purpose of

Medical examination and this applicant asked the complainant to pay Rs. 50,000/- cash for Medical examination and the said amount was paid. It is alleged that on the next day i.e. on 16th January, 2025, the complainant and 22 other persons were taken to R.M.L. Hospital, New Delhi for medical examination. Thereafter, this applicant and accused no. 1 Dr. Amita Kocharekar again demanded amounts to the complainant and accordingly the applicant transferred various amounts to the ICICI Bank and HDFC Bank accounts of the applicant's mother. It is alleged that on 05th March, 2025, this applicant called the complainant at Oberoi Hotel, Nariman Point Mumbai, where she introduced the complainant with Bhagawat Sharan @ Maharaj who assured securing Government Job and thereafter on 01st April, 2025, this applicant again demanded money from the complainant. She alleged that thereafter the complainant paid an amount of Rs. 2,00,000/- to this applicant at Inorbit Mall, Vashi and another lady Dr. Bhakti Sawant, paid Rs. 5,00,000/- to this applicant. It is alleged that, at that time this applicant assured her of giving employment at MCI, Delhi. For that purpose, the complainant was called at Delhi however upon reaching she was informed that the recruitment process at MCI got cancelled and she would be given an employment at NHAI which mentioned that she was called for training at Delhi for the period from 25.05.2025 to 25.06.2025, in view of this, on 24.05.2025, the complainant paid an amount of Rs. 4,50,000/- by cash to this applicant. She has alleged that she was not inducted into any

training programme at Delhi and accused no. 3 Bhagawat Sharan alias Maharaj, therefore assured her about returning entire amount which was paid to this applicant. Thereafter, in July, 2025 this applicant assured employment to the complainant at Bridge Corporation of India and demanded further amounts on that count. However, no employment was provided to the complainant. After narrating the active role played by this applicant in inducement for payment of several amounts, the complainant has narrated the role played by accused No. 3, Bhagawat Sharan and accused No. 4, Umesh Ghosh, who have induced her to make several payments for providing employment, however no employment was provided to the applicant. On realizing that the complainant was cheated she demanded the money back and at that time, an amount of Rs. 3,23,996/- was transferred to her from the account of Mr. Nitin Madan, and this applicant, (Subhatta Mali), returned an amount of Rs. 50,000/- only. Having realized that she was cheated by all the accused persons, she lodged the FIR against all the four persons.

6. Advocate Niranjan Mundargi, learned counsel for the applicant submitted that the applicant's involvement in the offence is based on unfounded allegations. He submitted that the applicant has not committed any offence and in fact, she herself, along with her brother and sister-in-law, are victims of a racket which assures government employment on payment of money. He submitted that the applicant herself is a victim of Dr. Jain,

who had induced her to pay huge amounts from time to time and since the applicant herself had been cheated, she had lodged a separate FIR, bearing Crime No. 521 of 2026, on 7th August, 2026, registered with Nigdi Police Station, District Pimpari Chinchwad. He submitted that although there are allegations about receipt of amounts by this applicant from the complainant, as a matter of fact, the applicant has transferred those amounts to other persons and she has not made any wrongful gain. He therefore submitted that there is no material to show that the applicant has committed the offence and prayed for the grant of anticipatory bail.

7. As against this, the learned APP for the respondent has opposed the application and pointed out that the FIR contains specific allegations about the role played by the applicant in the inducement to pay substantial amounts by assuring government employment. By inviting attention to the specific allegations in the report, he submitted that this applicant was actively involved in the racket of persons who had extracted huge amounts by making false promises for securing government employment. He submitted that this applicant has received amounts on her ICICI Bank account and in her mother's account at HDFC Bank and the allegations of cheating are clearly made out. He submitted that, in order to unearth the involvement of the applicant in the entire offence, her custodial interrogation is very much necessary.

8. Perusal the FIR and the documents placed on record. On perusal

of the allegations in the FIR, it becomes amply clear that there are specific allegation to show that this applicant has induced the complainant to make payments of huge amounts by assuring employment at various government organizations, such as the Food Corporation of India, the National Highways Authority of India and Bridge Corporation of India, and has extracted a total amount of Rs. 22,00,000/- from the complainant. There are very clear allegations about active role played by this applicant along with accused No. 1, Amita, and accused No. 3, Bhagawat Sharan. It clearly appears that all the accused persons had from inception carried an intention to cheat the complainant, as none of them had any authority and were not in a position to provide any government employment and despite this, this applicant has extracted huge amounts from the complainant. It is crucial to note that the chart placed on record by the applicant shows that the applicant and her mother has received a total amount of Rs. 33,50,000/- from various candidates and their families on the pretext of providing employment in Government Departments. As such, there is substantial material to support the prosecution case, showing active involvement of the applicant in the acts of cheating and other offences.

9. As regards the FIR lodged by this applicant, bearing Crime No. 521 of 2026, it has to be noted that the same is lodged after a period of two months after the FIR was registered against this applicant. Although the applicant has alleged that she herself is the victim of the racket but having

regard to the allegations in FIR against her, it *prima facie* appears that the FIR lodged by her is by way of afterthought. It has to be noted that there is nothing to show that the applicant was authorised to provide any government employment and her conduct in inducing the complainant to pay substantial amounts was with an intention to cheat. Since the FIR is lodged by the applicant after approximately two months, it *prima facie* appears to be an afterthought and with the intention to somehow create a defence for pretending herself as a victim.

10. One more crucial aspect is the criminal antecedents against this applicant, as disclosed in the affidavit submitted in the instant case. It has to be noted that an offence bearing Crime No. 187 of 2026 was registered against this applicant at Kankavali Police Station, Sindhudurg, for offence of cheating punishable under Sections 316(2) and 318(4), along with other offences and the same is under investigation.

11. Having regard to all the above aspects, it becomes clear that this applicant was a member of the racket which had lured several persons for providing government jobs and has extracted huge amounts on false promises. Having regard to all the above aspects, I am of the considered opinion that the applicant has failed to make out a case for grant of anticipatory bail and hence, the instant application deserves to be rejected.

12. Accordingly, the present Anticipatory Bail Application is rejected.

***(PRAFULLA S. KHUBALKAR,* J.)**