

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 295 OF 2015

1. Mrs. Asma Sulatan Kurawale	)	
2. Mohammad Sulatan Dilawar Kurawale	)	
(In correctly mentioned as Mohammad	)	
Dilawar Khan)	)..	Applicants
V/s.		
The State of Maharashtra	..	Respondent

Mr. Rohan Nahar for the applicant.

Mrs. R.V. Newton, APP for the State.

Mr. Suraj Patil, API, Sahakar Nagar Police Station, Pune City, present

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 05th March, 2015

P.C.

1. Heard.

2. This is an application u/s 438 of Criminal Procedure Code. The applicant herein apprehend their arrest in Crime No. 41/2015 registered at Sahakar Nagar Police Station, Pune on 08th February, 2015 for offence punishable u/s. 420, 506(1) r/w 34 of the Indian Penal Code.

3. It is the case of the prosecution that on 08th February 2015 one Kishor Ramdas Jagtap lodged report at the Police Station alleging therein that in the months of May and June 2014 he had come across an advertisement asking young people to join Merchant Navy. He had approached his maternal uncle Navnath Dimble. Both of them had gone to the address of the office mentioned in the advertisement. In the said office they had met the applicants. They

had informed the maternal uncle of Kishor that they are Director of the said firm. They had mentioned the terms and conditions for joining the course in order to recruit for Merchant Navy. According to complainant the candidate was assured that he would be able to draw a salary of Rs. 19,000/- per month. On 28th of August, 2014 he was sent to Mumbai in a Sumo Jeep. From Mumbai he had been to Dehradun. On 30th August 2014 Mohammad Khan had informed maternal uncle of the informant to alight at Delhi Railway Station. The maternal uncle of the complainant had accompanied him. The complainant and his maternal uncle both have reached there and their cell phones were allegedly confiscated. Due to this they could not contact each other. He realized he had been cheated and hence upon returning he filed report on the basis of the offences against the present applicants.

4. Perused papers of investigation. On 20th January, 2015 the maternal uncle of the complainant namely Navnath Dimble had given a written application to the Senior PI of Sahakar Nagar Police Station. In the said statement, he has stated that he happens to be a Teacher. It is contended by him that in May 2014, Mr. Dimble had come across an advertisement in Lokmat daily. On the basis of the said advertisement, he had gone to the office along with his daughter. The advertisement was under the caption "earn from home". He had met Mohammad Khan in the said office. His daughter had taken the course but had not completed the project and had left the said work midway. Mohammad Khan informed Mr. Dimble that the said company also owns a ship. Mohammad Khan informed him about the recruitment to Merchant Navy.

5. According to Mr. Dimble, Mohammad Khan had taken his original PAN card and other relevant documents at the time of taking admission for Shri Kishor Jagtap. Mr. Dimble has further contended that after a few days he had received a letter from the Government of India, Ministry of Corporate Affairs office and he was assigned "Director Identification Number" which showed that present applicant and Mr. Dimble were taken as Directors of Global Stars Management. He had inquired about the same. He realized that the said company is involved in cheating several unemployed young boys. Therefore, he had resigned from the said company. He had tendered the resignation on 2nd October, 2014. According to him, the said resignation was accepted by the present applicant.

6. The letter dated 05-12-2014 written by Navnath Dimble to the Government of India, Ministry of Corporate Affairs, shows that he was the Director of Global Stars Management, but he was not taken into confidence. There was no transparency in the transaction. Therefore, he apprehended mismanagement and hence he decided to resign from the said firm on 2nd October, 2014. By inference it can be said that on the date when the complainant had taken admission or involved with Global Stars Academy, the maternal uncle of the complainant was the Director of the said firm. On 20th August, 2014 also the maternal uncle of the complainant had accompanied him to Dehradun. Prima facie it appears that there was some dispute between the Directors of the said firm and subsequently criminal proceedings have been initiated.

7. Learned counsel for the applicants submits that due to internal affairs of the company, the applicants are being prosecuted.

That the applicants undertake to cooperate the the investigating agency. It is pertinent to note that although the FIR is filed on 08th February, 2015, for the last one month the investigating agency has not taken the custody of the documents of the said firm. Perused statement of one of the candidates who had enrolled with the said company. The said candidate has disclosed that the first informant had referred to him in the FIR without his consent. That he had no grievance against Global Stars Company.

8. In view of this, the applicants have made out a case for grant of pre-arrest bail. It is made clear that the observations made herein above are prima facie in nature and shall not be considered for the purpose of quashing of FIR of discharge application or at the time of trial.

9. Hence following order :

ORDER

(i) In the event of arrest, by way of ad-interim relief, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each with one or two sureties in the like amount.

(ii) The applicant shall co-operate with the Investigating Agency to the best of their capacity and furnish all the documents called for by the Investigating Officer.

(iii) The applicants shall report to the concerned police station on 11th, 12th and 13th March 2015 between 10.00 a.m. to 12.00 noon.

(iv) Application is allowed and disposed of.

(SMT. SADHANA S. JADHAV, J.)