IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.298 OF 2016

Kausar Imam Khan ... Applicant
vs.
The State of Maharashtra ... Respondent

Ms. M.A. Ingale, for the Applicant.
Mrs. P.P. Shinde, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **5th APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offence punishable under Sections 420 read with 34 of the Indian Penal Code in C.R. No. 65 of 2016 registered with Shivaji Nagar police station, Mumbai. The offence is registered at the instance of one Asir Khan on 6th February, 2016.

2. It is the case of the prosecution that the complainant and his friend Murtuja Ansari came into contact with one Farhan Khan, the co-accused who told them that he would be in a position to provide job at Qatar. Thereafter, the co-accused Farhan Khan has

demanded Rs. 25,000/- from the complainant and his friends for Visa and Passport and again he demanded Rs. 1,25,000/- each i.e. in total Rs. 10 lacs to obtain job. It is the case of the complainant that they received visa and travel ticket and a letter of employment in the company at Qatar. They traveled abroad on 1st February, 2016 from Mumbai to Qatar where they were received by one car owned by the same company and when they went to the company and showed their job letters, the person concerned informed them that the job which are mentioned in the job letter were not available with the company but they are ready to accommodate them on lesser salary with other jobs. Thereafter, the complainant and his associates realized that they were cheated. Hence, they returned to India and lodged complaint. It is the case of the prosecution that there is a racket and the applicant/ accused used his electronic gazette for preparing the job letters and visa.

3. The learned counsel for the applicant/accused submitted that the applicant is innocent. He is working as H.R Co-Ordinator with Melco Management Consultants prior to lodging offence and since last 5-6 years. The said company is approved by the competent

authorities like Ministry of Overseas Indian Affairs etc. The applicant is working for the said company for Visa and other documents. He has prepared visa and gave documents as directed him by co-accused Farhan Khan. He is falsely implicated in this case.

4. The learned prosecutor while opposing the application submits that the applicant/accused is having association with co-accused Farhan Khan and hence the application is to be rejected.

5. Perused the first information report and other documents. It appears from the first information report that the complainant and his friends went to Qatar for employment with visa which was provided by co-accused Farhan Khan. *Prima facie* the role allegedly attributed to the applicant/accused is limited. Therefore, I am inclined to grant anticipatory bail to the applicant on the following conditions:

a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 20,000/- with one or two solvent sureties in the like amount;

b) The applicant shall not tamper with the evidence;

c) The applicant shall not indulge in any other criminal activity.

d) The applicant shall cooperate with the Investigating Officer and shall attend concerned police station twice on 18^{th} and 25^{th} April, 2016 between 4.00 pm to 6.00 pm.

6. In view of the above, the anticipatory bail application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)