

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.505 OF 2016

**MRS.GULAMJAAN @ MUNNI SHAMSUDDIN)
SAYYED)...APPLICANT**

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Shri I.B.Singh, Advocate for the Applicant.

Smt.Rutuja Ambekar, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 21st JUNE 2016.

P.C. :

1 Heard learned counsel for both the sides. Applicant Gulamjaan alias Munni Sayyed involved in Crime No.153 of 2015 registered with Colaba Police Station on 20th November 2015 for the offences punishable under Sections 370, 417, 506, 120-B read with 34 of IPC has sought bail.

2 Learned counsel for applicant had contended that the role attributed to applicant is only of her introducing some females to agent Aftab. Except for this, there is absolutely no role attributed to applicant and has relied upon the order passed in Bail Application No.416 of 2016 in favour of Abdul Rahim Shaikh and has submitted that case of applicant is at par with that of accused Abdul Rahim who is released on bail. Applicant, therefore, also prays for bail on ground of parity.

3 Perused the FIR. It reveals that complainant Mumtaz Shaikh has stated that in May 2015 she met applicant Munni who used to visit BPT garden for exercise, where complainant was working as a security guard. During this period, applicant stated to Mumtaz that if she would go to Saudi Arabia, she can earn much more, than what she is earning in India, upon which Mumtaz informed her that she does not possess any passport and comes from a poor family, upon which applicant stated that she will not require to spend any money to go there but some agent

would pay for her and she will be provided with household work in Saudi. On such assurance by applicant, complainant expressed her willingness and in July 2015 applicant introduced her to one agent, co-accused Aftab. On 24th July 2015 co-accused after some preliminary enquiry, arranged for complainant's medical examination on payment of Rs.4500/-. On her coming out of diagnostic center, she met Aftab who was introduced to her by applicant earlier and then all of them went to a nearby hotel where complainant found Aftab giving about 15 to 20 thousand rupees to applicant. While watching this, Mumtaz concealed herself and in that meeting was informed that within 10 to 15 days her tickets, visa will be obtained and thereafter she will go to Saudi.

4 Fifteen days thereafter, one person was sent by co-accused Aftab to whom complainant met at V.T. Railway station, who handed over visa, passport, medical report to complainant and on 6th October 2015 Aftab booked flight ticket for complainant for going out of India and her return ticket from

Dubai to India for 15th October 2015 through J.B.Travels and Tour, and by handing over the tickets to complainant, he left.

5 Complainant accordingly reached the airport where Aftab along with one more person and two females was present with whom complainant enquired as to why her return ticket was purchased, upon which Aftab told her that upon reaching Dubai airport she would meet one person by name Wasim who will hand over her visa for Saudi Arabia and she will proceed further. At Dubai airport, complainant met Wasim who introduced himself as working for Aftab and took complainant to the house of his sister Jyoti Shetty. On 7th October 2015 he took complainant to Dubai airport and took her passport, while complainant was insisting upon him to provide her Saudi Arabia's viza, upon which he stated that she should enter the airport as her flight time was nearing. Complainant, thus, at this stage, doubted the bonafides of Wasim as he was, on one or other pretext refusing to hand over passport and visa for Saudi Arabia to complainant and thought that Wasim was likely to illegally deport her to Arabian country and she in that event may require to do certain illegal acts. At the same time, Wasim attempted to run away

from airport when Mumtaz raised shouts upon which fellow passengers and other persons who were standing nearby, police thus arrived at the spot and apprehended Wasim. Similar are the statements of Smt.Motibai, David and Parveen involving applicant, who had introduced them to agent Aftab.

6 Learned APP on obtaining instructions from Investigating Officer, who is present in court, had submitted that even there are criminal antecedents of the applicant. On considering the case of applicant on the ground of parity with that of Abdul Rahim Shaikh, learned APP has pointed out statement of one Nisar to whom co-accused Abdul Rahim Shaikh had informed to obtain visa of complainant Mumtaz. From his statement it reveals that role attributed to Wasim is only to procure visa of Mumtaz for Dubai which was available online. Similarly, it is contended by learned APP that firms like Sultan Tours and Travels as well as J.B.Travels are working for obtaining visa to Abdul. In that view of the matter and considering role attributed to Abdul it cannot said to be similar to that of applicant, who appears to be

directly involved in the present crime and infact appears to be supplier of females to co-accused agent Aftab for being sent abroad.

7 In the circumstances, though investigation is complete and charge-sheet is filed, there is no substance in the application.

8 Application is, therefore, rejected.

(PN. DESHMUKH, J.)