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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1567 OF 2016.

Sarjee Istihag Nabu Adam ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Satyam R. Dubey, for the applicant.

Mr A.S. Patil APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 7th September, 2016

P.C.

1) The applicant is apprehending arrest in CR No. I-147 of 2016 registered with Nayanagar Police Station, Mira Road, District Thane under section 420 read with section 34 of the Indian Penal Code.

2) The first information report dated 16/3/2016 is lodged by Ramesh Vitthal Pawar. The prosecution case, in nut-shell, is that the applicant along with other accused persons lured and assured poor aspirants on the pretext of providing jobs at abroad particularly, at Dubai and Saudi Arabia and after accepting substantial amounts from the said victims neither provide the jobs nor returned the money. It is also the allegation of the prosecuting agency that the applicant in connivance with other accused persons assured the victims that

they will be provided with service visa for a job at the aforestated countries and for that purpose also accepted substantial amounts. In the premise, the first information report is lodged.

3) The learned counsel for the applicant submitted that the applicant was employee of Jubin Niyog and had no concern with the transactions and/or assurance given by the said Jubin who was the proprietor of the Future Overseas Consultancy. He further submitted that as per his instructions two alleged victims were provided with appointment letters and, therefore, the allegation of the prosecution is not true and correct. He submitted that the applicant may be granted pre-arrest bail.

4) The learned APP opposed the application and submitted that as per the investigation carried out till date, it is prima facie revealed that the said alleged appointment letters were either fabricated or not genuine. That the investigating agency is in the process of verifying the said documents. He further submitted that apart from the first informant there are other victim persons and as of today it is revealed that the applicant along with other accused persons have defalcated an amount of Rs.2,87,000/-.

5) I have perused the papers pertaining to the investigation. It appears from the record that the other co-accused persons are absconding. That it is the modus operandi of the applicant and other accused persons to lure poor aspirants from the society on the pretext of providing them jobs at abroad and after accepting substantial amounts from the said persons either to provide them the duplicate and/or fabricated appointment letters, or to dupe them for the valuable consideration. It is further allegation that the applicant along with other accused persons not only failed to provide jobs to the victims but have also failed to return the amount taken by the said persons.

6) After taking into consideration the serious allegations against the applicant and the gravity of the offence, I am of the view that this is not a fit case to grant pre-arrest bail to the applicant. The application is accordingly dismissed.

(A.S. GADKARI, J.)