IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2015 OF 2017

LOKESH KAMAL JAT)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Milan Desai, Advocate for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 7th NOVEMBER 2017

P.C. :

1 The applicant / accused in Crime No.187 of 2016 for offences punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code, registered with Police Station Pydhonie, Mumbai, by this application is his release on bail.

2 Heard the learned advocate appearing for the applicant / accused at great length of time. He took me through statements including statement of alleged victim as well as various

documents pertaining to the case in hand. It is argued that the material collected by the Investigator shows that the applicant / accused had spent the entire amount for taking the alleged victims of the crime from India to Malaysia. It is further argued that the documents placed on record goes to show that, infact, the alleged victims of the crime in question are employees on the vessel. They are referred to as “crew”. They had, infact, joined the employment as “seamen” but might have returned after sometime for reasons known to them, and therefore, the applicant / accused cannot be said to have cheated them. It is argued that if really the applicant / accused had cheated them, then, considering the number of alleged victims, they would have created a ruckus and demanded the money back. It is not explained by the prosecution as to how huge amount of Indian currency was carried, as alleged by the victims of the crime in question, when only an amount of Rs.25,000/- in Indian currency is permissible. The Continuous Discharge Certificate is not produced. My attention is drawn to statement of Rohan Bhitande in order to demonstrate that his version does not show that his brother Rohit Bhitande was cheated. It is further argued that there is delay in lodging the First Information Report (FIR). Statement of witnesses are relied upon, in order to show conduct. With this, it is argued that applicant / accused is languishing behind bars for more than one year, and therefore, he be released on bail.

3 The learned APP opposed the application by contending that statement of Rohit Bhitande itself goes to show that the alleged victim of the crime in question never joined employment on a vessel. It was the applicant / accused, who had detained them at a place known as Sibu. She argued that in all 22 job aspirants were cheated of 42 lakh by the present applicant / accused as well as the co-accused.

4 I have carefully considered the rival submissions and also perused the entire charge-sheet.

5 The crime in question is registered on the basis of a report lodged by Ramdas Bhaskar Yadav – one of the job aspirants.

His statement as well as statement of alleged victims of the crime in question goes to show that they had deposited huge amount with the applicant / accused, who has stated his name as Sumeet Kumar. The job aspirants were taken from India to a place named Sibu in Malaysia via Kuala Lumpur. There there were detained in a bunglow. Again huge amounts came to be collected from them. Record of investigation shows that then on 17th May 2016, the present applicant / accused, who posed himself as Sumeet Kumar, left the bunglow where the job aspirants were kept, and then another accused named Jojo demanded further amount from them for enabling them to join employment as “seaman” at the ship. The FIR as well as statement of witnesses go to show that the present applicant / accused had promised job as “seaman” to the First Informant as well as alleged victims of the crime in question, on payment of hefty sum of Rs.2,50,000/-.

6 Record of investigation shows that the alleged victims of the crime in question were left in the foreign country to fend for themselves and the present applicant / accused left them on

17th May 2016. Plight of the First Informant as well as other job aspirants is reflected from their statements. Somehow, a few of them managed to return to India by themselves.

7 Though some documents are pointed out which are referring the First Informant and other victims as “crew members”, it is seen that they were never allowed to join the employment in the ship. On the contrary, attempts were made to extract as much amount as possible from them on the pretext of providing employment. The present applicant / accused, who has posed himself as Sumeet Kumar is stated to be the Director of Seaman Borneo Marine Consultants Private Limited, and as such, is the kingpin in the crime in question.

8 It is seen that several unemployed youth were allured with employment as “seaman” on vessel and they were taken from India to foreign country on receiving hefty amounts from them. At Malaysia also, huge amounts came to be extracted from them. Nature of the crime and the manner in which it is committed are

relevant considerations for granting bail. The case in hand is not a fit case for grant of bail, considering the fact situation reflected from the record of investigation and documents in the charge-sheet. Hence the order :

ORDER

The application is rejected.

(A. M. BADAR, J.)