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

ANTICIPATORY BAIL APPLICATION NO.784 OF 2018

Irfan Ibrahim Chhotani

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.Rajiv Chavan, Senior Counsel i/b Mr.M.S.Ansari, for the Applicant

Mr.M.G.Patil, A.P.P for the Respondent-State.

P.I. - Sanjay Pawar, Versova Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th APRIL, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.103 of 2018 registered with the Versova Police Station, Mumbai, for the alleged offences punishable under Sections 370 r/w 34 of the Indian Penal Code.

3. Learned Senior Counsel for the applicant submits that as far as the present C.R. is concerned, there is no material to connect the applicant with the alleged offence and that neither has the applicant been named in the FIR. He submitted that the allegations are essentially as against the applicant's brother-Rizwan, who has already been arrested by the police and is presently lodged in custody. He submitted that the applicant cannot be arrested merely because he had earlier allegedly taken two children from Gujarat on his children's passport to the USA, in the absence of any complaint regarding the same.

4. Learned APP opposed the bail application.

5. Perused the papers of investigation. According to the prosecution, two minor girls from Gujarat State were brought to Mumbai for taking them to USA. It is alleged by the prosecution, that the applicant's brother-Rizwan and other co-accused conspired and committed the aforesaid act. It appears from the papers of investigation, that earlier the applicant had taken one minor boy and girl on the VISA of his son and daughter to USA and had received Rs.6 lakhs for the same. Although,

learned senior counsel for the applicant submitted that there was no complaint lodged in connection with that case and that the applicant is not connected with the present case, the case involves human trafficking of children, for which police need to investigate every angle of the case, and possibly a larger conspiracy. It is pertinent to note, that when the learned senior counsel for the applicant was asked to show/deposit the applicant's passport, the learned senior counsel for the applicant tendered a certificate (lost passports) of the Nagpada Police Station, Mumbai. The said Certificate shows that the applicant has given a complaint stating that the passports of his family i.e himself, wife and children were lost. *Prima facie*, it appears strange, considering the fact, that the FIR was lodged on 4th March, 2018, and the passports were lost subsequent thereto, on 12th March, 2018. It may be noted that there are allegations that the applicant had earlier taken 2 minor children on his children's passport to USA. Hence, investigation and custodial interrogation of the applicant is necessary.

6. Considering the serious allegations, as against the applicant, the custody of the applicant is required to find out the modus operandi, i.e.

how human trafficking of children is done.

7. Considering the aforesaid, this is not a fit case to grant pre-arrest bail to the applicant. Accordingly, the Application for pre-arrest bail is rejected and disposed of as such.

8. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)