

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

CRI. ANTICIPATORY BAIL APPLICATION NO.2034 OF 2018

Vikas Chamanlal Verma .. Applicant

Vs.

State of Maharashtra .. Respondent

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Mr.Kamal A. Patel, Advocate for the Applicant.
Mr.Arfan Sait, APP for the Respondent – State.
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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 16, 2018.

P.C. :

This is an application for anticipatory bail in connection with C.R. No.45 of 2016, registered with Sahar Police Station, Mumbai for the offences punishable under Sections 465, 468, 471 and 420 read with 34 of Indian Penal Code (“IPC” for short). First Information Report (“FIR”, for short) was registered on 9th February, 2018.

2 Applicant had preferred an application for anticipatory bail before the Sessions Court, which was rejected on 4th January, 2018.

3 The case of the prosecution is that the co-accused Karanbirsingh is arrested on 9th February, 2016. He was about to go Dubai by Flight No.EK-501 and from Dubai he was supposed to go to Warsaw (Poland) by Flight No.EK-179. When he was at Mumbai International Airport, AIO has verified his Visa and found some irregularities and hence he was referred to Visa Wing Incharge, who also found number of irregularities suspected about genuineness of Visa. On further interrogation, it was found that the said accused was in contact with one Vivek Bhardwaj and Vikas Varma (applicant). It is alleged that the applicant accused assured to Karanbirsingh that job will be provided to him in Poland for which he demanded Rs.9,00,000/-. Part payment of Rs.5,00,000/- was allegedly received by him, and, he was to receive the balance amount after arrival from Europe. It is further alleged that the applicant had been argued to get Vias to Karanbirsingh. It is alleged that the accused were involved in a crime of preparation of fake Visa. The co-accused Karanbirsingh was arrested and he was remanded to custody from time to time.

4 Learned counsel for the applicant submits that on completion of investigation, charge - sheet has been filed against

the arrested accused. It is the case of the prosecution that the applicant was not available for the purpose of interrogation, and, he was absconding since 2016.

5 Learned counsel for the applicant submitted that there is no evidence to connect the applicant with the said crime. The prosecution is relying upon the statement of co-accused to show the involvement of the applicant. There is no other independent evidence to support the prosecution case. It is further submitted that the applicant had never absconded, and, he was available at his address. It is submitted that the investigating machinery did not arrest the applicant although he was available. The matter relates to the documents and custodial interrogation of the applicant is not necessary.

6 I have perused the documents on record. It is pertinent to note that there is sufficient material before the investigating officer. The involvement of the applicant was indeed disclosed in the statement of the arrested accused during the course of interrogation. However, investigating machinery has collected the evidence which shows the involvement of the applicant. The circumstances, *prima facie*, establish complicity of

the applicant in the said crime. Applicant was not available since 2016. The offence is of serious nature, which requires to be investigated with custodial interrogation of the applicant. In the circumstances, no case for grant of anticipatory bail is made out, and, hence, Anticipatory Bail Application No.2034 of 2018, is rejected.

(PRAKASH D. NAIK, J.)