

search of their consular database revealed that an individual identifying herself as Nirmala Qureshi (co-accused) had submitted Visa application for her two minor children namely Sara Qureshi and Adiv Qureshi and Visa was granted to them by the concerned Country. As per their norms, the interview of the said children were not required as they were below the age of 14 years. During the course of inquiry, it was revealed that the Visa of two children was obtained on fake documents and an apprehension was expressed by the said Consulate General that in the past, it was noticed by them that the human smuggling facilitators obtain fake immigration stamps so that it appears that the individuals have travelled and returned. During the course of investigation, other accused persons have been arrested and after completion of investigation, the police have submitted charge-sheet against them.

4 The learned Counsel for the Applicant submitted that the Applicant is nowhere concerned with the present crime and it is only on the basis of statement of co-accused Nirmala Qureshi his name is reflected in the present crime. He further submitted that in the present case Section 370 has been wrongly applied as it is not case of human trafficking, but according to him it is a benevolent act committed by his client in arranging the meeting of the said two minor children with their parents in United States who had left their children in India while migrating to United States. He submitted that the other accused persons have been arrested by the police and the police have already submitted

charge-sheet and therefore, his custodial interrogation at such a belated stage is unwarranted. He therefore, prayed that the Applicant may be granted pre-arrest bail.

5 After completion of investigation, the role of the Applicant in the present crime has been crystallized and it is the prosecution case that at the instance of the co-accused Arif Shaikh, the Applicant made search of two children who are having passports and are looking alike with similar features as that of two children who were transported to the United States on the basis of Visa procured in the name of children of Nirmala Qureshi. It is also the prosecution case that the Applicant being a passport agent has thorough knowledge about the formalities of obtaining Visa. It is the further prosecution case that the Applicant is also a passport agent and has received substantial amount from the proceeds of the crime. The prosecution has categorically alleged that the accused persons hatched conspiracy in transporting/smuggling the said minor children to United States. The record indicates that Applicant in conspiracy with co-accused Arif Shaikh and Azhar Qureshi has committed the present crime.

6 After taking into consideration the serious allegations against the Applicant and the gravity of the offence, this Court is of the view that Applicant does not deserve to be protected by the pre-arrest bail.

7 The application is accordingly rejected.

(A.S.GADKARI, J.)