

\$~33

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 267/2019**

MUJAMMIL

..... Petitioner

Through: Mr. Naved Khan, Mr. Lucky
Tiwari & Mr. Raghunath Singh,
Advocates

versus

THE STATE

..... Respondent

Through: Mr. Ashish Dutta, APP with SI
Ajay Kumar, PS:IGI Airport,
New Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

01.02.2019

CRL.M.A.2337/2019

Allowed, subject to all just exceptions. The application is
disposed of.

BAIL APPLN. 267/2019

1. The petitioner has filed the application under Section 438
of the Code of Criminal Procedure, 1973 for grant of
anticipatory bail.

2. The brief facts, which emanate from the record, are that
one police official made a complaint to the SHO, police station
IGI Airport, Delhi on 21.2.2018, that one Indian passenger,
namely, Mujammil arrived from Sharjah and has landed as
deportee in the arrival wing. On scrutiny of his travel

documents, it was found that the passenger was holding ECR category passport and departed from the IGI Airport, New Delhi to Sharjah on tourist visa on 19.10.2017. The passenger was deported from the UAE, stating “no visa.” The UAE tourist visa was sent to the UAE Embassy for verification and the UAE Embassy confirmed, vide its letter dated 29.1.2018, that the said visa is not genuine. Thus, the passenger had cheated Indian Immigration by presenting and using fake UAE visa. On the said complaint, an FIR was lodged.

3. Learned counsel for the petitioner submitted that the petitioner has also been cheated by a travel agent, who issued a fake visa to him and the petitioner is ready and willing to join the investigation. Learned counsel for the petitioner further submitted that the petitioner was not aware that the visa he was travelling was a fake and came to know about the same only after reaching Sharjah, when the authorities at the airport informed him that his visa was forged and thereafter, he was deported to Delhi.

4. In view of the aforesaid facts, it is prayed that the petitioner should be granted anticipatory bail.

5. I have gone through the impugned order dated 22.1.2019 and the FIR.

6. Reliance is placed on the judgment of the Supreme Court in Criminal Appeal No.416/2018, titled Dr. Subhash Kashinath Mahajan v. State of Maharashtra & Anr., wherein, for the grant

of anticipatory bail, certain parameters and factors have been laid down in para No.112. There is no dispute about the same and the courts follow the same. However, provisions of Section 438 Cr.PC cannot be applied on mere asking. The FIR discloses a serious offence and it is found, time and again, that people are cheated by the gangs issuing fake visas and the police in such cases require custody of the accused to know the persons involved in such acts and their *modus-operandi*. In this case also, the police certainly require custodial interrogation of the petitioner to know about the *modus operandi* and the persons involved.

7. In view of the larger interest of the public as well as the State and taking into consideration that investigation is at the initial stage and the petitioner has not joined the investigation so far, as is evident from the impugned order as well as the fact that the source of fake visa is yet to be traced, hence, the custodial interrogation of the petitioner is required. I do not find any flaw or infirmity in the impugned order of the Trial Court and this Court does not deem it appropriate to even issue notice to the respondent. The anticipatory bail application is accordingly dismissed.

CHANDER SHEKHAR, J

FEBRUARY 01, 2019

tp