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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
\+ BAIL APPLN. 3150/2019

RUDHRA BAHADUR MEHRA ..... Petitioner
Through: Mr Prawal Mishra, Advocate.

versus

STATE ..... Respondent
Through: Ms Meenakshi Chauhan, APP for State.
SI Mahesh, PS IGI Airport.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 09.01.2020

CRL.M.A. 43273/2019

1. Exemption is allowed, subject to all just exceptions.

2. The application stands disposed of.

BAIL APPLN. 3150/2019

3. The petitioner has filed the present petition, *inter alia*, seeking anticipatory bail in FIR No. 81/2018, under Sections 420/468/471 of the IPC and Section 12 of the Passports Act, 1967, registered with Police Station IGI Airport.

4. The said FIR was registered at the instance of one woman (Ms Sabita Limbu – hereafter the 'complainant') who was found travelling out of India on a fake Schengen visa. She had revealed that she had procured the said visa from the petitioner herein on payment of a sum of ₹2.5 lacs.

5. According to the respondent, the investigations were undertaken and the petitioner had reported that he had obtained the said visa from two other

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By:AMULYA

persons at the cost of ₹1.2 lacs.

6. The learned counsel appearing for the petitioner disputes the said contention. He states that the petitioner has not named any other person and in fact, the petitioner had not provided any visa to the complainant and is not involved in the said matter.

7. According to the respondent, there is a money trail of at least ₹50,000/- that has been traced from the complainant to the account of the petitioner's wife. It is stated that although the petitioner has joined the investigation, he is not cooperating inasmuch as he is not providing the details of other persons who are involved in the racket.

8. Considering the stand of the petitioner that he is not involved in any manner with providing any visa to the complainant and has not disclosed either the modus of procuring/making fake visas and/or whereabouts of other persons, if any, involved in the said activity, it is apparent that further investigation is required to be carried out.

9. The application for anticipatory bail filed by the petitioner before the learned Trial Court was rejected, *inter alia*, on the ground that the petitioner had not returned the amount of ₹2.5 lacs to the complainant despite undertaking the same before that Court. More importantly, the Trial Court felt that this was a case where custodial interrogation was necessary since the investigating agencies were unable to trace out other leads.

10. It is the petitioner's stand that the undertaking to return a sum of ₹2.5 lacs had been made by the proxy counsel who appeared for the petitioner and the same was without instructions.

11. There appears to be no controversy that the complainant was travelling on a fake visa. The police authorities apprehended that there is a fake visa racket and, therefore, the same is required to be investigated. In this view, this Court is unable to find fault with the conclusion of the Trial Court that custodial interrogation may be warranted in this case.

12. The learned counsel appearing for the petitioner has relied upon the decision of the Supreme Court in ***Siddharam Satlingappa Mhetre v. State of Maharashtra and Ors.: AIR 2011 SC 312*** in support of his contention that the anticipatory bail should not be denied in cases where the accused has joined the investigation and is fully cooperating with the investigating agency. He also submits that there is no likelihood of the petitioner absconding and therefore no custodial interrogation is required. There is no cavil with the principle set out in ***Siddharam Satlingappa Mhetre*** (*supra*). Plainly, in cases where the accused has joined the investigation; is cooperating with the investigating agency; and there is no flight risk, the arrest of the accused would serve little purpose. However, in cases where a wider racket is suspected and the necessary information leads are not forthcoming, it may be apposite for the police authorities to make extensive enquiries. In this case, despite lapse of considerable period of time, no further leads have been found as to the modus or the racket involved in providing fake visas.

13. It also appears that the petitioner is changing his stand. Although, the petitioner's counsel had undertaken to return the amount to the complainant, the petitioner had resiled from the said undertaking on the ground that it had been made by the proxy counsel without instructions. This Court does not

appreciate this conduct. Surely, the petitioner is required to take responsibility for the statement made on his behalf by persons appearing for him.

14. Be that as it may, this Court does not consider it apposite to accede to the prayers made in this petition.

15. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

JANUARY 09, 2020/RK