IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2302 OF 2021

Anita Sadanand Salian ..Applicant

v/s.

The State of Maharashtra ..Respondent/s

Mr. Neville Deboo for the Applicant.
Mr. P.H.Gaikwad, APP for the Respondent-State.

CORAM : ANUJA PRABHUDESSAI, J.
DATED : 26th AUGUST, 2021.

P.C.

1. This is a second bail application filed by the Applicant, who is facing trial in Sessions Case No.159 of 2016 for the offences under Section 420, 467, 468, 471, 120(B) of Indian Penal Code and Section 3 of the M.P.I.D. Act.

2. The previous bail application (Criminal Bail Application No.1657 of 2018) was withdrawn after it was expressed that there was prima facie material against the Applicant. Learned Counsel for the Applicant states that the Applicant is in custody since

01.03.2018 and that the trial has not yet commenced. He further states that two other accused have been released on bail by the Sessions Court. He therefore clams that the Applicant is also entitled for bail on the ground of parity.

3. Per contra, learned APP submits that the Applicant herein is the main accused who was involved in committing the crime. He submits that she had induced several persons to part with their money on false representation that she will recruit them in a hotel in foreign country. It is stated that the Applicant has cheated these persons for an amount of Rs.26,40,000/-.

4. I have perused the records and considered the submissions advanced by the learned Counsel for the Applicant and the learned APP for the State.

5. Crime against the Applicant was registered pursuant to the FIR lodged by one Arif Ahmed Altaf Ahmed. He had alleged that one Tehsina Abdul Mutalik who claimed to be the recruitment agent working for the Applicant had approached him and others

and had represented to them that the Applicant herein was recruiting educated persons in a hotel in U.K. The first informant and two others met the Applicant at her residence at Santa Cruz Mumbai. The Applicant, interviewed them and told them that there are vacancies in Hotel Indigo in London and assured to recruit them in the hotel within one month. They were induced to pay Rs.50,000/- each towards preliminary medical examination. The Applicant and her son-in-law took them to one hospital for medical examination. Subsequently, the first informant also informed 5 other boys about the vacancies available. These boys also contacted the Applicant and paid to the Applicant an amount of Rs.50,000/- each towards medical examination. The Applicant thereafter demanded Rs.1,00,000/- each for processing the recruitment. Accordingly, the First Informant and others paid to her Rs.8,00,000/-. The Applicant further induced them to pay Rs.18,40,000/- towards immigration charges and flight tickets. The Applicant thereafter sent the first informant and all the other boys to Ludhiana where they were introduced to one Honey Singh @ Jitendra Singh and they were informed that he was an Officer of Hotel Indigo. Said Jitendra Singh conducted interviews and entered into an agreement with the first informant and others for an employment in Hotel Indigo. Subsequently, the first informant and the other victims realized that they were not being reccruited despite payment of money. Hence they contacted the Applicant and demanded for refund of the money. The Applicant, neither returned the passports nor refunded the amount of Rs.26,40,000/- received from the first informant and others. Realizing that they were cheated, the first informant lodged a FIR against the Applicant.

6. The statement of the witnesses Arif Ahmed Altaf Ahmed, Javed Mohammed Yasin, Jiau Rehman Abdul Ajiz, Abdul Ahmed Mohammd Anwar, Momin Ahmed, Sumail Javed Akhtar, Abdul Kadir Mohammed, Abdul Jabbar Mansur Hussein and others also prima facie reveal that the Applicant herein was the main accused involved in cheating the young educated unemployed boys. She had induced them to pay the money on false pretext that there were vacancies in hotel Indigo in U.K. The material on record prima facie indicates that the Applicant and the co-accused had taken these boys to a medical officer and had conducted fake

medical examination and interviews. The material on record therefore prima facie indicates that it was a well planned conspiracy to cheat and defraud these young boys.

7. There are reasonable grounds to believe that the Applicant is involved in committing the alleged offence. Considering the nature and gravity of the accusation against the Applicant, in my considered view, this is not a fit case for grant of bail. Apprehension of the prosecution that the Applicant may abscond and or influence the witnesses cannot be overlooked. In my considered view, releasing the Applicant on bail would thwart to the course of justice. Hence the application is dismissed.

8. Considering the fact that the Applicant is in custody since 01.03.2018, Judge is directed make an endeavor to frame the charge and conclude the trial as expeditiously as possible and in any event within a period of 18 months from the date of receipt of this order.

(ANUJA PRABHUDESSAI, J.)