

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

ANT. BAIL APPLICATION NO.1966 OF 2021

Ajay Hiralal Verma ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. A.M.Saraogi i/by Mr. Rakesh Singh for the Applicant.

Smt. Anamika Malhotra, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 27th AUGUST, 2021.

P.C. :

Apprehending arrest in connection with the Crime No.389 of 2020 registered with Khadakpada Police Station, Kalyan for the offences punishable under Sections 420 and 406 of the Indian Penal Code, 1960, applicant seeks pre-arrest bail.

2 Prosecution case in brief, is that,

complainant ,diploma holder in Hotel Management, was looking for a job. Applicant, who allegedly run Front-line Shipping Management Company, had promised permanent job in Merchant Navy Corporation of India, a Government owned company and accepted Rs.4,50,000/- from the complainant as remuneration. On 6th August, applicant and the other five aspirants, were sent to Vietnam for working on a ship owned by the Vietnam Government. At Vietnam, complainant and other four, were sent on a ship owned by Syrian Citizen. Ship was anchored in deep sea, where the complainant and others were made to work like slaves. Neither they were given adequate food nor paid salary. When the ship was anchored at a port of country Dijouti, the complainant narrated his ordeal to Dijouti, Port Master. Following that on intervention of local police, owner of ship paid a few dollars and gave air -tickets to travel back to India.

3 When the complainant approached the applicant, applicant allegedly demanded 1,700 \$ paid to the complainant by the Syrian Ship owner, his pass-port and promised another job. That since, the complainant had paid Rs.4,50,000/- to the applicant, complainant believed in applicant and returned 1700 \$ and handed over pass-port and other relevant documents to the applicant. Yet, neither the job was offered nor the amount was returned. After lots of pursuation, the applicant issued cheque of Rs.1,24,610/- in lieu of 1700\$. However, it was returned 'unpaid'. After that he lodged the First Information Report.

4 Primary evaluation of the First Information Report shows, since inception applicant's intention was to make unlawful gains to himself and cause unlawful loss to the complainant coupled with intent to deceive.

5 In consideration of the nature of allegations, in my view, it is not a fit case to grant pre-arrest bail to the applicant. Additionally, the chances of tampering with the prosecution evidence cannot be ruled out if pre-arrest bail is granted.

6 For the reasons stated above, application is rejected.

7 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)