IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2501 OF 2021

Anmol Jaiswal .... Applicant

Vs.

The State of Maharashtra .... Respondent

Mr. Mithilesh Mishra for Applicant.
Mrs. Rutuja Ambekar, APP for State of Maharashtra.

Coram : NITIN W. SAMBRE, J.
Date : 15TH NOVEMBER, 2021

P.C.:

1. The applicant is seeking pre-arrest bail in Crime No.230 of 2021, registered with Nerul Police Station, Navi Mumbai, for the offence punishable under Sections 420, 468 and 471 of the Indian Penal Code.

2. The prosecution case is, the applicant alongwith other co-accused collected substantial amount from unemployed youth thereby

promising to give employment to them in Merchant Navy and accepted huge considerations for the same. It is claimed that the considerations accepted for the cause, which was never honoured and that being so, offence came to be registered.

3. The submissions of the learned counsel appearing for the applicant are, the agreement entered into between Chandrika Prasad and the applicant on 12th January, 2021 speaks of the limited liability. According to him, an amount of Rs.50,000/- accepted by the applicant against processing Visa applications and other charges from each of the candidates are duly attended and issued. It is further claimed that the applicant has specifically informed said Chandrika Prasad, co-accused that the applicant is not in the business of providing employment and restricted to the extent of providing Visas. In the aforesaid background, the contention of the learned counsel for the applicant are, the applicant is falsely implicated in the crime.

4. While opposing the claim, learned APP submits that there is enough material on record to depict prima facie involvement of the applicant.

5. Considered submissions.

6. The applicant herein owns three Companies namely M/s Bluescape Immigrants and Oversees Private Limited, M/s Vedant Maritime Academy Pvt. Ltd. and One World Immigration.

7. It is claimed that these three Companies, which are owned by the applicant or of which the applicant is Director has no connection whatsoever with the offence in question, but for processing visa applications. However, what can be noticed from the record is, the applicant has admitted to have accepted visa application process fees to the tune of around Rs.50,000/- from each of the candidates as claimed in the agreement, out of which Rs.30,000/- was towards security deposit.

8. The investigation till date depicts that the applicant himself was not processing Visa applications but hired services of an agent from New Delhi to whom he has paid amount of Rs.9,000/- for processing visa applications of each candidate.

9. As far as balance amount accepted by the applicant, there is no reasonable explanation coming forth. Rather the investigation depicts that the applicant with co-accused has received an amount and transferred the same to the account of co-accused Gupta, which prima facie demonstrates involvement of the applicant in the crime in question, as he was having established business relations with the said accused.

10. In the aforesaid backdrop, in my opinion, prima facie involvement of the applicant cannot be ruled out, which warrants custodial interrogation of the applicant, for the purpose of recovery of the amount, documents etc. That being so, a prayer for grant of anticipatory bail stands rejected.

11. At this stage, a prayer is made for continuation of ad-interim protection. However, considering the material available on record, which depicts prima facie involvement of the applicant in the crime, same stands rejected.

(NITIN W. SAMBRE, J.)