

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

ANTICIPATORY BAIL APPLICATION NO. 2112 OF 2019

Mohd. Hamid S/o. Haji Din Mohd	..Applicant
V/s.	
The State of Maharashtra & Anr.	..Respondents

Mr. Moinuddin Khan, for the Applicant.
Ms. Veera Shinde, APP for the Respondents / State.
PSI Laxman Wadare, DCB CID, Unit VIII, Andheri present.

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**CORAM : C. V. BHADANG, J.
DATE : 4 SEPTEMBER 2021**

P.C.

. By this Application, the Applicant is seeking anticipatory bail in connection with investigation of Crime No.82/2019 under Section 420, 465, 468 and 471 of IPC registered by DCB – CID, Unit VIII.

2. The Complainant Sagar Mahadik is working as a Security Assistant in the Emigration Department at International Airport at Mumbai. According to the complaint lodged by Sagar Mahadik, Accused Mohammad Arif Mohd Nayeem, Mohammad Akhil Asad, Nazrul Nurul Islam and Dilipkumar

Jaiswal, had come to the emigration counter as they were proposing to travel to Oman. As the Emigration Authorities suspected, these persons were taken to the Emigration Wing Incharge Mr. Barui as the passports of these persons were found to be of Emigration Check Required (ECR) Status. During the course of inquiry, it was revealed that the Applicants had Visa for family visit to Oman. However, it was further revealed that these persons were travelling to Oman for employment and in order to avoid PoE process the family Visa was shown to the authorities which according to the prosecution is found to be forged.

3. I have heard the learned counsel for the parties. Perused record.

4. It is submitted by the learned counsel for the Applicant that the Applicant had only directed these persons to one Mr. Asif who had facilitated the obtaining of the visa and the Applicant has nothing to do with the said transaction. It is pointed out that the amount of Rs.1,70,000/- which was collected by the Applicant was transferred to the account of Mr. Asif. The learned counsel also submitted that one of the travellers is a nephew of the Applicant and it is unlikely that the Applicant would obtain a forged Visa for his nephew.

5. Learned APP pointed out that during the course of the investigation, it has been revealed that the emigration clearance granted to Accused Mohammad Arif Mohd Nayeem, Mohammad Akhil Asad, Nasrul Nurul Islam and Dilipkumar Jaiswal are also found to be fake. It is submitted that the Applicant was acting in connivance with Mr. Asif which would be apparent from the fact that that Applicant had collected sizable amount from the co-accused and had then transferred the same to Asif.

6. Learned APP submitted that for the purpose of proper investigation and to find out the nexus and the modus operandi, the custody of the Applicant is necessary.

7. I have carefully considered the circumstances and the submission made.

8. *Prima facie*, it appears that the four travellers had shown the family visit Visa when it is revealed in the investigation that they were travelling for employment. It is revealed that the family visit Visa was forged. The emigration clearance was also forged which is apparent from the letter dated 23 January 2020 from the Protector of Emigrants -II, Mumbai. It cannot *prima facie* be accepted that the Applicant had merely sent those travellers to Asif, in as much as the Applicant had received sizable

amount from the travellers. It is in this context that the contention on behalf of the prosecution has to be appreciated as there appears to be a nexus between the Applicant and Asif which is necessary to be unearthed for which custodial interrogation is necessary. In that view of the matter, I do not find that the case for grant of anticipatory bail is made out. The Criminal Application is dismissed. The Interim protection stands vacated.

(C. V. BHADANG, J.)