

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

BAIL APPLICATION NO.3442 OF 2019

Mohammed Suvhel Musa Khan

.. Applicant

Versus

State of Maharashtra

.. Respondent

None for the Applicant.

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Ms.Veera Shinde, APP for the Respondent – State.

PSI A.M. Kamble, Dr.D.B. Marg Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JULY 08, 2021.

P.C. :

The applicant is arrested on 25th March, 2019 in connection with C.R.No.11 of 2019, registered with Dr.D.B.Marg Police Station, Mumbai, for the offences punishable under Sections 420, 465, 467, 468 and 471 of Indian Penal Code (“IPC”, for short).

2 The case of the prosecution is that in the month of February 2016, the informant read one advertisement in newspapers i.e. “Assignment Abroad Times”. Ratna International, Kala Ghoda, Mumbai, has advertised that some boys were required for work abroad. In the advertisement two phone

numbers were provided. The informant called on mobile phone number. The person from other side, told his name as Majit Khan. The informant told him that he is having some skilled workers, willing to work abroad. He sent some boys. Majid Khan sent them to Dubai. In the month of December 2016, again informant called Majit Khan for the said work. Majit Khan told the informant, who is having office under the name and style "Click Millennium", Opera House, Mumbai, that he is doing work of placement of labour abroad. Majit Khan gave applicant's phone number. The informant called applicant. There was talk between informant and applicant. As per the talk, some boys were sent to the office of applicant. The applicant told that he would send the boys to Africa (Seychells) and demanded Rs.70,000/- each. The trainees had deposited total Rs.44,60,000/-, in the account of applicant and that amount have been deposited in the account number 9311966371 (Mahindra Kotak Bank) Account No.917020030017759, 913020052572929. However, after depositing the amount of Rs.44,60,000/-, the applicant has not obtained VISA and passport of the boys and did not return the amount. Therefore, complaint was lodged against the applicant with D.B. Marg Police Station, Mumbai. On the basis of complaint, D.B. Marg Police Station, Mumbai, registered

C.R.No.11 of 2019 for the offences punishable under Sections 420, 465, 467, 468 and 471 of IPC.

3 The applicant approached this Court for bail on the ground of innocence and false implication. According to applicant, investigating officer has filed charge - sheet against him, therefore, entire investigation is completed. His custody in jail is not required.

4 Learned APP submitted that one more case is registered against the applicant in Uttar Pradesh vide C.R.No.178 of 2019, for the offences punishable under Sections 467, 468 and 471 of IPC. On instructions, it is submitted that the applicant is not yet arrested in the said case. The amount was not recovered from the applicant. There are several persons from whom the amount was accepted for providing them VISA to enable them to go abroad. The amount was around Rs.44 lakhs.

5 Investigation is completed and the charge-sheet is filed. All the offences are triable by the Magistrate. The applicant is in custody for a period of about two years. Further custody is not necessary. Bail can be granted on certain terms and conditions.

:: ORDER ::

- (i) Bail Application No.3442 of 2019, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.11 of 2019, registered with Dr.D.B.Marg Police Station, Mumbai, on executing P.R. Bond in the sum of Rs.50,000/-, with one or more local solvent sureties in the like amount;
- (iii) Applicant shall report concerned police station once in three months on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further order;
- (iv) Applicant shall attend the trial Court regularly, unless exempted by the Court;
- (v) Bail Application No.3442 of 2019, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)