IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.324 OF 2022

Mohhammed Arif Faiyaz Khan .... Applicant
Versus
The State of Maharashtra .... Respondent

Mr. Sachin Chandan, Advocate for the Applicant.
Smt. Sharmila S. Kaushik, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 8th FEBRUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.138/2019 dated 20.7.2019 registered at Dongari Police Station, Mumbai under Section 420 read with 34 of the Indian Penal Code.

2. Heard Shri Sachin Chandan, learned counsel for the applicant and Smt. Sharmila Kaushik, learned APP for the State.

3. The FIR is lodged by one Sahajram Kori. He has

stated that one Mehafuj Khan represented to the informant and his friends that he was in a position to get them jobs in Malaysia, for that, every person would have to pay Rs.75,000/- for the work-permit *visa* and flight tickets. The informant and his friends accepted this offer and sent Rs.2,20,000/-, in all, in the bank account maintained by the present applicant. The informant and others were following up this matter with the main accused Mehafuz and Jaffar. They told the informant and others that their visa work was done; and that their job was also secured by them in Malaysia and called them to Mumbai. They reached Mumbai on 28.5.2018. There Mehafuz and Jaffar took Rs.2,30,000/- more in cash. Thereafter they were taken to Hyderabad and from there they were sent to Malaysia. There the officials pointed out to them that they had visitor's visa and not work-permit visa. The informant and others were detained in the prison for two days and were fined Rs.10,000/- each; and then they were sent back to Hyderabad. The informant and others realized that Mehafuz, Jaffar and the applicant had cheated them to their amounts. It was alleged that in all Rs.4,50,000/- were taken from all of them and the jobs were not offered.

4. Learned counsel for the applicant submitted that the applicant was merely a booking agent and had booked tickets for the informant and his friends. He relied on the copy of the air-tickets which are annexed at Exhibit-C to this application. The booking was done on 30.5.2018 for traveling on 1.6.2018. He submitted that the amount which was received in the account of the applicant was utilized for the tickets. The flight tickets mentioned the names of the passengers and that of the present applicant as booking agent. Therefore, the applicant has not committed any offence. He has utilized the money for booking tickets. There are no allegations about any offence in booking of those tickets. He submitted that there is no other connection between the applicant and other accused.

5. Learned APP submitted that there is collusion between the applicant and the others; and the money has gone to his bank account. Therefore, the applicant's custodial

interrogation is necessary. She, however, submitted that the charge-sheet is filed against all the accused, including the present applicant.

6. I have considered these submissions. As stated by learned APP, the investigation is over and the charge-sheet is already filed not only against other accused but also against the present applicant. The FIR is lodged on 20.7.2019. The incident is of June, 2018. Thus, there is substantial delay in lodging the FIR and from lodging of FIR till today. At this stage, the custodial interrogation of the applicant will not serve any purpose. There is a strong possibility, as submitted by learned counsel for the applicant, that the money received in the applicant's account was actually utilized for booking air tickets.

7. The inducement is made by the co-accused Mehafuz. The cash amount was accepted by Mehafuz and the co-accused Jaffar in Mumbai. For such cash transactions, there are no allegations against the present applicant. In this view of the matter, the applicant can be granted anticipatory

bail. However, he is directed to attend the police station on particular dates; and then, as and when called. He shall cooperate with the investigation. Hence, the following order :

ORDER

(i) In the event of his arrest in connection with C.R.No.138/2019 dated 20.7.2019 registered with Dongari Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station on 18th & 19th February, 2022 1.00 p.m. to 4.00 p.m.. In addition, the applicant shall attend the concerned police station as and when called. The applicant shall co-operate with the investigation.

(iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)