

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

ANTICIPATORY BAIL APPLICATION NO.358 OF 2022

Kavita Akbar Menon @ Kavita
Thapa

..... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Ujjwal S. Gandhi, Advocate for the Applicant.

Ms. Sharmila S. Kaushik, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th FEBRUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.1606/2021 dated 14.12.2021 registered at Sakinaka Police Station, Mumbai under Sections 420, 406 read with 34 of the Indian Penal Code.

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

3. The FIR is lodged by one Miss Firdose Khan on 14.12.2021. She has stated that she got acquainted with the applicant and one Rose in the year 2018. They told the first informant that they were in a position to get jobs as a cabin crew for girls who had some difficulties for recruitment. They told that they would be taking extra money and they would be giving jobs as cabin crew in different airlines. The informant agreed as she got impressed by their inducement. On 18.4.2019, she gave a cheque of Rs.1,80,000/- to the applicant and one Rose. On that very day, the informant's interview was conducted at the office of AVOHA Institute of Aviation and Hospitality. On the very day, the applicant and the co-accused Rose went to the informant's house and requested to give cash instead of cheque. Therefore, the informant gave cash of Rs.1,80,000/-. The cheque was returned to her. On 18.4.2021, the informant was made to face interview in the names of Spicejet and EuroAtlantic Airways. After that, she was taken to different places at Worli, Hyderabad and Delhi and some interviews were conducted but no call letters were

given to the informant and she was not given any job in any of the airlines. In the meantime, she received an email through TruJet Airlines. The informant got suspicious about the email. She asked the applicant about the same but the applicant did not give any satisfactory answers. The informant realized that she was cheated and the money was misappropriated. The informant made enquiry and she came to know that similarly one Sintella was cheated to the amount of Rs.2 Lakhs in similar fashion. On this basis, the FIR is lodged.

4. Learned counsel for the applicant submitted that the applicant was having a training institute by the name AVOHA Institute of Aviation and Hospitality. The fees were taken for the training purposes and not for offering jobs. It is only because the informant was unable to get a job, out of frustration, she has lodged this FIR against the present applicant. He submitted that the money was also spent by the applicant for actually conducting the interviews and for sending the informant to various places. He submitted that the co-accused Rose is already granted anticipatory bail.

5. Learned APP opposed this application. She submitted that the role of the present applicant is different from the co-accused Roseemaria Pallathu who was granted anticipatory bail. She submitted that the statements of Sintella and another victim Karishma clarified how the victims, who were in need of job were cheated by the applicant.

6. She submitted that the applicant had started an institute with another person, namely, Mohd. Irfan Ishad Shaikh who is not in India. She submitted that the investigation has revealed that no courses were conducted as claimed by the applicant. The interviews were taken in the office of the applicant's institute itself which shows that the Airlines companies had not conducted such interviews and only a show was made by the applicant.

7. She further submitted that the email referred to by the informant in the FIR allegedly sent on behalf of TruJet Airlines is not authenticated by the TruJet Airlines. The person named Nivedita Gupta from whose email ID the email was sent is not traceable. There are indications that this email

is absolutely a fake email and the applicant has played a part in sending this email to the informant.

8. I have considered these submissions. As far as the relief granted to the co-accused Rosemaria Pallathu is concerned, she was merely an employee. She was not a beneficiary. The applicant's role is different from her.

9. Learned APP, based on the investigation carried out, has strongly submitted that no such courses were conducted and the applicant's office was used merely to attract the victims and for conducting the fake interviews.

10. There is another angle of fake email purportedly sent by one Nivedita Gupta, who is not traceable. The investigation has revealed that the informant was not given a job by the TruJet Airlines. Therefore, it was a fake email.

11. Apart from that, the statement of Karishma Patil shows that the applicant had represented to her that she would get her a job in Haj Airlines and for that Rs.1,50,000/- would have to be paid. Said victim Karishma had paid

Rs.1,50,000/- in the year 2019 itself. That amount was also misappropriated.

12. The statement of Sintella Cheetuye is similar and she had paid Rs.2 Lakhs. Even she was assured that she would be given a job. Her interviews were also conducted at the office of AVOHA Institute of Aviation and Hospitality and not in the office of Airlines. This itself is quite suspicious.

13. Thus, there is sufficient material against the present applicant. Therefore, the applicant's custodial interrogation is necessary. The application is rejected.

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(SARANG V. KOTWAL, J.)

Deshmane (PS)