

Shiv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1063 OF 2023**

Yusuf Abbas Aga

...Applicant

vs.

State of Maharashtra

...Respondent

Mr. Vivek N. Arote with Ms. Himalee Divekar for the Applicant.
Mr. Y. Y. Dabke APP for the Respondent-State.
Mr. Sanjay Sadigale, API, EOW No.1, CBD Belapur police station
present.

CORAM : S. M. MODAK, J.

DATED : 24TH APRIL 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. Though learned Advocate for the Applicant tried to justify conduct of his client as mere an employee of one Seaman Shipping Service and not aware about other activities of the said company. I am not impressed by that argument. It is for the reason that there is not a single complaint of the present first informant but there are various persons who have come forward making similar type of grievance. The contention raised that the Applicant is not aware

about what has happened about the amount and he was simply asked to sit in the office as Manager and he did not know anything about activities. The allegation in the FIR is the applicant accepted an amount to the tune of Rs.1,55,000/- from various prospective job seekers. It is accepted from the first informant and others towards appointment in Seaman Shipping Service.

3. Certain Whatsapp messages are relied upon by the applicant at page 30. These are messages sent by the Applicant to his superiors, so as to raise concern about the complaints made by the candidates about appointment and closing down office at Navi Mumbai. The question is that he has accepted the amount on behalf of the company and also issued receipts. Similar is case for other candidates as contended by learned APP.

4. There was notice issued under section 41A of the Code of Criminal Procedure. My attention is invited to the complaint made to the Inspector of police, CBD Belapur, Navi Mumbai by this Applicant on 29th October 2021, (page 34). He has expressed ignorance about activities done by his fellow colleague, Pooja and Shailesh. However, this complaint was made to police after the FIR is lodged. The police have also replied on 2nd December 2021, by API, CBD police

station, Belapur, thereby communicating that his complaint is filed. It is also mentioned that inspite of communication on his cell number he has not responded.

5. Considering above, even at this stage the contention raised about innocence and ignorance of other activities of this company cannot be considered. There is reliance placed on the observations made by this Court in case of *Pramod Mohan Katarnavare Vs. The State of Maharashtra* in Anticipatory Bail Application No.1537 of 2021, passed on 26th July 2021. It is true that there was an offence under section 420 and other sections of IPC. When I perused the facts reproduced in the said order, it can be said that the role of this Applicant Yusuf is different from the role assigned and alleged to the Applicant-Pramod Mohan Kataranavare in aforesaid Application.

6. Now the offence registered at the CBD Belapur police station, Navi Mumbai under sections 406, 420 read with 34 of IPC is transferred to EOW No.1, Navi Mumbai. The custodial interrogation of the Applicant is required. Yet whereabouts of other accused persons named in the FIR are not treacable.

7. At the fag end of the arguments, learned Advocate for the Applicant tendered one copy of the complaint dated 22nd June

2022, addressed to the Police Inspector, CBD Belapur police station wherein signatories have also made the complaint against Sunil Chavan, Shailesh and Yusuf. The first name of the present Applicant is Yusuf and it is mentioned therein. I failed to understand how it helps the applicant to justify his contention about innocence. No case is made out for grant of anticipatory bail. Hence, the Application is dismissed.

8. These are my prima facie observations and the trial Court may not be influenced by that.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]