

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

ANTICIPATORY BAIL APPLICATION NO. 1180 OF 2024

1. Sonia Dilawar Bidiwala,
2. Amit Hari Bodhwani. ..Applicants

Versus

The State of Maharashtra ..Respondent

Mr. Chaitanya A. Malgaonkar a/w. Dharmesh J. Shah and Khushali Padalia for Applicants.

Ms. Poonam P. Bhosale, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 29 APRIL 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.51 of 2024 registered at Kandivali (West) Police Station, Mumbai, on 18.01.2024, under sections 406, 409 and 420 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Chaitanya Malgaonkar, learned counsel for the applicants and Ms. Poonam Bhosale, learned APP for the State.

3. The F.I.R. is lodged by one Sagir Shaikh. He has stated

that, in the year 2016, he had a pizza shop. Both the applicants used to order pizza from his shop, that is how they got acquainted with each other. The informant came to know through the applicants' WhatsApp status that the applicants used to procure jobs for the different persons in a foreign country. In February 2023 the applicants had called the informant to their office. The informant was told that a job of Hotel Manager was available in Dubai. He was given to understand that he would earn sufficient money there and thereafter he could get a job in U.S.A. The F.I.R. mentions that on the first occasion the applicants gave him a ticket for Dubai in March 2023. He was also given a return ticket and a hotel booking. The informant questioned the applicants as to why return ticket was given as the job was confirmed. At that time, he was told that it was a formality which he had to complete. On that occasion, the informant went to Dubai in March 2023. There, he fell ill because of food poisoning. He came back in May 2023. At that time, the applicants had sent him a return ticket.

4. In the month of August 2023 again, the applicants told him that another job was available in Dubai. Again on that

occasion, the informant went to Dubai between 17.08.2023 to 22.08.2023. The applicant had taken Rs.6 lakhs for giving him a job in Dubai, but he had not got any job. He returned to India. He felt cheated. Therefore, he lodged this F.I.R.

5. Learned counsel for the applicants submitted that, the story in the F.I.R. itself is unbelievable. On the first occasion, the informant stayed in Dubai for almost two months. Then he came back. On the second occasion, he went to Dubai. If he was sure that he was cheated on the first occasion, he would not have gone there on the second occasion. Without prejudice to his rights and contentions, learned counsel submitted that the applicants are willing to deposit amount of Rs.3 lakhs in the Court of Metropolitan Magistrate, Borivali having jurisdiction over this matter. He further submitted that the applicant do not have any objection if the informant is permitted to withdraw that amount.

6. Learned APP submitted that the offence is made out and for that purpose, custodial interrogation of the applicants is necessary. However, she did not oppose the applicants' proposal to

deposit Rs.3 lakhs before the trial Court.

7. I have considered these submissions. The story of the informant appears slightly doubtful because on the first occasion he had stayed in Dubai for about two months. Then he came to India. Then again on the second occasion the informant went to Dubai. It is difficult to believe that once he was not given a job, he would again act on the same representation of the applicants. However, at this stage, it is not necessary to comment on this aspect any further because the applicants have shown their bonafides to deposit substantial amount before the Trial Court. In this context, custodial interrogation of the applicants may not serve any purpose. Learned counsel for the applicants submitted that the applicants have given jobs to some other people in Dubai and, so far, there is not a single complaint against them.

8. Considering all these aspects, the applicants can be protected U/s.438 of the Cr.p.c. They are required to co-operate with the investigation.

9. Hence, the following order :

ORDER

- i) The applicants are permitted to deposit the amount of Rs.3,00,000/- (Rupees Three Lakhs only) in the Court of Metropolitan Magistrate, Borivali, having jurisdiction over the C.R.No.51 of 2024 registered with Kandivali (West) police station, Mumbai, within a period of four weeks from today.
- ii) The informant is permitted to withdraw that amount.
- iii) The investigating officer shall inform the informant about this permission.
- iv) In the event of arrest of the applicants in connection with C.R.No.51 of 2024, registered with Kandivali (West) police station, Mumbai, the applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- v) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

- vi) If the applicants do not deposit the said amount, the investigating agency is at liberty to make an application for cancellation of this anticipatory bail order.
- vii) With these observations, the Application is disposed of.

(SARANG V. KOTWAL, J.)