

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

BAIL APPLICATION NO. 2295 OF 2024

1. Dharmaraj s/o Karnan		
2. Ajay s/o Uthirapathi	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Vinod Thekkara for the Applicants.
Ms. Rutuja Anil Ambekar, APP for Respondent-State.
Mr. Amol P. Manjare, Police Sub-Inspector, Sahar Police Station,
Mumbai.

CORAM: MANISH PITALE, J.
DATE : 10th JULY 2024

P.C. :

1. Heard learned counsel for the applicants and learned APP for respondent-State.

2. The applicants have applied for bail as they were arrested on 15th April 2024, on the basis of the FIR registered on the same date bearing FIR No. 0423 of 2024 at Sahar Police Station, Mumbai.

3. The FIR was registered at the behest of an Officer working with the Immigration Department at the International Airport at Mumbai. As per the statement, the applicants were confronted when they relied upon certain documents to claim that they were entitled to travel to the United Kingdom (UK) as they were offered

jobs on a ship. Upon verification of the documents, it was found that they were fake and therefore, the applicants were arrested on the spot for the offences under Sections 420, 465, 468, 471 read with 34 of the Indian Penal Code, 1860 (IPC). The offence under Section 468 of the IPC is non-bailable and punishable by imprisonment of seven years.

4. The learned counsel for the applicants submits that in the present case, the applicants are in fact victims as they had paid huge amounts of Rs.10 lakhs each to an agent named Iyappan in their village in the State of Tamil Nadu. The said agent had promised them to arrange for appropriate documentation and jobs, so that they could leave for UK. It is emphasized that the applicants are innocent persons from a village in Tamil Nadu and although they are graduates, they were duped by the agent. The entire documents are already with the Investigating Authority and when the charge-sheet is filed recently in June 2024, no purpose would be served in keeping the applicants in custody.

5. On the other hand, the learned APP has relied upon the contents of the charge-sheet to oppose the prayer made on behalf of the applicants. This Court is informed that during the course of investigation, the said agent i.e. Iyappan has been added as an accused in the present case. The said accused person is absconding and considering the fact that the applicants very well knew that they had no qualifications to take up the promised jobs, they relied upon such fake documents in order to hoodwink the immigration

authorities to leave the shores of this country. On this basis, it is submitted that the application deserves to be dismissed.

6. The material on record does show sufficient material demonstrating the direct involvement of the applicants in relying upon fake documents to cross immigration at the International Airport at Mumbai. There is substance in the contention raised by the learned APP that the applicants being graduates were clearly aware about the fact that they had no qualifications to take up the so called promised jobs in UK. The informant i.e. the Officer of the Immigration Authority verified from the fleet which the applicants were to join about the authenticity of the documents and letters purportedly issued on behalf of the said fleet i.e. Carnival UK and it was found that no such documents had been issued. The applicants were arrested from the spot and their *prima facie* involvement in the case is evident. The applicants cannot escape liability by claiming that they are innocent victims. They willingly agreed to take part in such an illegal exercise and in that process, relied upon the documents that *prima facie* appear to be fake and forged. The co-accused person, upon whom the applicants are now shifting the blame, is absconding.

7. No case is made out for granting bail. The application is dismissed.

MANISH PITALE, J.