

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

ANTICIPATORY BAIL APPLICATION NO. 2249 OF 2024

Raees Ahmed Ilahibakash Dalal

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Abhishek Karnik a/w Mr. Omkar A. Wable, for Applicant.
- Mr. R.M. Pethe, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 29th August, 2024.

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P. C. :

1. Heard Mr. Karnik, learned counsel for the applicant and Mr. Pethe, learned APP for the State.

2. The applicant is apprehending arrest in connection with First Information Report No.0515 of 2024, dated 30.06.2024, registered at Police Station Sadar Bazar, District Solapur, for offences under Sections 420, 467 and 468 read with Section 34 of the Indian Penal Code (IPC).

3. The allegation against the accused persons is that they lured innocent persons into parting with substantial amounts of money on the promise of arranging jobs abroad and facilitating documentation for the same. It is alleged that despite having taken substantial amounts of money from the informant and other similarly situated innocent persons, no steps were taken to assist such persons in obtaining jobs abroad, thereby leading to registration

of the aforesaid offences against the accused persons. It is relevant to note that apart from the offence of cheating under Section 420 of the IPC, serious offence of forgery under Section 467 of the IPC is registered, which stipulates maximum sentence of imprisonment for life.

4. The learned counsel for the applicant submits that other than a stray sentence in the statement of the informant, leading to registration of the FIR, there is no overt act attributed to the applicant at all. It is submitted that the allegations are leveled against co-accused persons and the applicant happens to be only an acquaintance of the co-accused persons. It is submitted that ad-interim relief was granted by the Sessions Court during the pendency of the anticipatory bail application and that the applicant was always ready to cooperate with the investigation.

5. On the other hand, the learned APP has tendered documents, which include the statements of the witnesses recorded during the course of investigation. These statements are of the persons who are named in the statement of the informant as being aggrieved persons, who were allegedly duped by the applicant and other accused persons. It is submitted that the aforesaid statements clearly bring out the role of the applicant and therefore, it cannot be said that he was merely an acquaintance of the co-accused persons.

6. At first blush and on perusal of only the statement of the

informant, leading to registration of the FIR, it does appear that the applicant is mentioned only at one place and that too pertaining to an allegation about the applicant having abused the informant when he had approached the accused persons with regard to his grievance.

7. But, the statements of witnesses recorded during the course of investigation, which are statements of persons aggrieved, shows that each of such witness has elaborately stated the role of the applicant and his involvement in the present case. The allegations include specifying amounts that were to be transferred to the accused persons for facilitating overseas jobs and for documentation in that regard. Each of such statements of witnesses indicate that the applicant was *prima facie* involved with the co-accused persons in giving an impress to the aggrieved persons about facilitating employment overseas and preparation of documents in that regard.

8. It cannot be said that the applicant has been wrongly roped in or that his role was at best marginal.

9. The FIR was registered on 30.06.2024 and the investigation is still at preliminary stage and therefore, this Court is of the opinion that no ground is made out for granting anticipatory bail.

10. The application is dismissed.

(MANISH PITALE, J.)