

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

ANTICIPATORY BAIL APPLICATION NO. 2577 OF 2024

Mohammed Jia Ekbal Ahmed

s/o Ekbal Ahmed

... Applicant

Versus

The State of Maharashtra & Anr.

... Respondents

Mr. K. M. Tripathi for the Applicant.

Mr. Mayur S. Sonavane, APP for Respondent-State.

Mr. Bhavesh Thakur for Respondent No.2.

Mr. S. N. Pilane, API, Nhava Sheva Police Station, Navi Mumbai.

CORAM: MANISH PITALE, J.

DATE : 3rd OCTOBER 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. In the present case, the first informant was also made a party and he is represented by counsel, who is also heard.

3. The applicant is apprehending arrest in connection with FIR No. 0031 of 2024 dated 2nd February 2024 registered at Kharghar Police Station, Navi Mumbai, for offences under Sections 420, 465, 468, 471, 504 and 506 read with 34 of the Indian Penal Code, 1860 (IPC).

4. The informant approached the Police with a grievance that substantial amount was given to the named accused person and his

associates for arranging visa and tickets for the foreign travel of the clients of the first informant, who is an agent, and this was for the purpose of procuring employment abroad. It is the case of the informant that the accused persons did not take the required steps and therefore, cheated the informant and his clients.

5. The learned counsel for the applicant, at the outset, submits that the named accused person has been granted regular bail on the basis that the accused person agreed to pay amounts to the aggrieved persons, so that their grievance could be settled. In this regard, reference was made to a copy of the pursis filed before the Sessions Court and also an affidavit of one of the victims i.e. the client of the first informant, who appear to have supported the claim of settlement made on behalf of the accused persons.

6. It is submitted that the applicant has already issued cheques in favour of the informant, one of which has been encashed. He submits that the applicant would be ensuring payments of further amount of Rs.2 lakhs to the informant within one week from today. It is further submitted that since the first informant would be satisfying the grievance of the victims i.e. his clients, this Court may consider showing indulgence to the applicant.

7. On the other hand, the learned APP submits that serious offences have been registered against the applicant in the present case. Even if there is part settlement with one of the accused persons, it does not mean that the applicant herein can take

benefit of the same. It is further submitted that the first informant settling the dispute ought not to inure to the benefit of the applicant because the first informant is merely an agent and the real victims are those who had engaged the services of the accused persons through the first informant. It is submitted that therefore, this Court may not show any indulgence to the applicant.

8. This Court has perused the document on record at page 69 of the application, which is a copy of a pursis, indicating that two of the three victims have shown their support for the settlement of dispute by receiving payment. The third victim has also sworn an affidavit, which is at page 59 of the application, indicating his support for settlement by receiving the payment of amount. The applicant has shown willingness to pay amounts to the first informant in a stipulated period of time and the learned counsel for the first informant, while supporting the prayer made on behalf of the applicant, submits that the first informant in turn would take necessary steps for the amounts to be made over to the victims.

9. Considering the aforesaid material and the statements made on behalf of the applicant and the first informant, this Court is inclined to grant interim relief to the applicant. Before the next date of listing, the Investigating Officer can verify the claims made by the applicant, as regards settlement. Inquiries can be made with the three victims in the present case i.e. Lalchand Sekh, Mohd. Tahir and Mayaram (Aman Kumar), to verify as to whether their

grievances have been satisfied. The applicant has already undertaken to pay further amount of Rs.2 lakhs to the first informant within one week from today. The application will be kept pending, while interim order can be granted in favour of the applicant.

10. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0031 of 2024 dated 2nd February 2024 registered at Kharghar Police Station, Navi Mumbai, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 7th and 8th October 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall co-operate with the investigation.
- (c) The applicant shall abide by the undertaking voluntarily given to this Court that a further amount of Rs.2 lakhs shall be paid to the first informant, within one week from today.
- (d) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

11. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

12. List this application for further consideration on 13th November 2024 (High on Board).

MANISH PITALE, J.