

16.09.2025
Sl. No.32
NB

CRM (A) 2877 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Usthi P.S. Case No.100/2025 dated 19.02.2025 under Sections 143(3)/62 of the BNS and 24/25 Emigrants Act, 1983.

And

In the matter of: Umesh Subbayya Shetty ... petitioner

Mr. Imtiaz Ahmed,
Ms. Ghazala Firdaus,
Mr. Sk. Saidullah,
Mr. Mithun Mondal,
Mr. Md. Arsalan.
...for the petitioner.

Mr. Anand Kesari,
Ms. Nahid Ahmed.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a 69 years old license holder under the Emigration Act for sending workers abroad. Till date, he has not faced any criminal case. There were others who were taking the petitioner's name and misusing the same. One Mr. Subir Gomes did come in touch with the petitioner regarding a supposed Russian entity asking for workers. However, it was made clear by the petitioner that he would proceed only if the company directly contacted him.

Learned counsel appearing on behalf of the State relies on the case diary and strongly opposes the prayer for anticipatory bail. He submits that the petitioner and the other accused were arranging for interviews to send certain workers abroad, although no foreign entity had actually contacted them for doing so. The

interviews were actually meant to dupe the victims with promises and the victims would have been asked to make payments. However, at a nascent stage, the police came in and unearthed the scam. Some of the victims' passports were nevertheless taken away by the accused. The victims had clearly stated the name of the petitioner as one of the miscreants who was organising the interview. The victim was in clear touch with his accomplices like Patrick Nayer, a person who was convicted in the US for having links with the terrorist organization, Hizbul Mujahideen. The petitioner has not cooperated with the investigation by responding to the notice issued.

Considering the serious nature of allegations and the incriminating materials available against the petitioner and the fact that he did not respond to the notice issued, I do not consider this to be a fit case for granting anticipatory bail to the present petitioner.

The application for anticipatory bail being **CRM (A) 2877 of 2025** is, thus, rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)