

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4624 OF 2024

Anam Rehan Ansari @ Annu @ Afsana .. Applicant
Versus
State of Maharashtra .. Respondent

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- Mr. Sandesh B. Manikhedkar a/w. Ms. Dipika Gupta, Advocates for Applicant.
 - Ms. Rajeshree V. Newton, APP for Respondent.
 - PSI – R. G. Gujar, Malad Police Station.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 20, 2025

P.C.:

1. Heard Mr. Manikhedkar, learned Advocate for Applicant and Ms. Newton, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.305 of 2024 registered with Malad Police Station for offences punishable under Sections 406, 420, 465, 467, 468, 471 and 34 of the Indian Penal Code, 1860 and Sections 10 and 24 of the Emigration Act, 1983.

3. With the able assistance of Mr. Manikhedkar, learned Advocate for Applicant and Ms. Newton, learned APP for Respondent perused the record of the case.

4. *Prima facie*, Applicant is a lady arraigned as Accused No.1 in

the present crime and was admittedly working as a telecaller with Ayesha Telecaller Placement Agency which belonged to Abhimanyu Singh @ Abhimanyu Tiwari. The said placement firm was operating since the year 2020 pursuant to registration under aegis of Udyam Web Portal. Registration Certificate is appended at page No.262 of the Application.

5. Record shows that Applicant joined the said agency as Telecaller on a salary of Rs.30,000/- per month in month of January - 2024 and her job was to call, interact and convince clients with respect to placement work undertaken by the Placement Agency under the instructions of Accused No.2 where she was employed.

6. Ms. Newton, learned APP in the course of her submissions has referred to the account statement and bank statement of Applicant to contend that she has received certain amounts in her bank account. In the charge-sheet it is stated that she received Rs.95,000/- out of the total proceeds of crime of Rs.44,73,000/- which were received by Accused No.2 (the placement agency online and in cash through various prospective clients).

7. The bank account statement when perused *prima facie* shows that Applicant received her salary for the months of January to May in her account for the 4 months that she was employed with the Placement Estate Agency. There is statement in the charge-sheet that

she has also received an amount of Rs.60,000/- but the said entry is not seen from the statement which has been produced by the prosecution before the Court.

8. There are 4 other Accused persons in the present crime out of whom 1 Accused namely Accused No.4 – Abrar Shah is absconding till date. The only material which the learned Prosecutor has persuaded the Court to consider are the statement of the persons who visited the Placement Agency and who handed over the money to the Applicant thereafter or some of them who transferred the money online to the Agency.

9. *Prima facie*, considering the role attributable to the Applicant of that she being an employee of said Placement Agency which was run by Accused No.2, Applicant has made out a case for grant of bail. Needless to state that complicity of Applicant shall be proved by prosecution at the time of trial. Bail Application is allowed. Applicant is directed to be released on bail, subject to following conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) Applicant is permitted to furnish provisional cash bail of Rs.25,000/- for her release immediately and file undertaking that she will provide one or two sureties in

the like amount of Rs.25,000/- within a period of four weeks after her release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

- (iii) Before her actual release from jail, Applicant shall furnish her address where she proposes to reside after her release from jail to the concerned Police Station and also to the trial Court;
- (iv) After her release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (v) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark her presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;
- (vi) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if she does so, it will entitle the prosecution to apply for cancellation of this order;
- (vii) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(viii) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner; and

(ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

10. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

11. Bail Application No.4624 of 2024 is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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