

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1753 OF 2025

Shahnawaz Alam Mohammad Akbar Husen .. Applicant

Versus

State of Maharashtra .. Respondent

.....

- Mr. Amanjyot Anand a/w Mr. Sangramsinh Parab, Advocate for Applicant
- Ms. Savita M. Yadav, APP for Respondent - State
- Mr. Bhushan Jadhav, PSI, Sahar Police Station

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 29, 2025

P. C.:

1. Heard Mr. Anand, learned Advocate for Applicant and Ms. Yadav, learned APP for Respondent - State.
2. Applicant stands indicted for the offences punishable under Sections 336(2), 336(3), 318(4) and 340(2) of BNS, 2023 .
3. Applicant is arraigned as accused No. 1 in the present crime for having charged with fabrication and forgery of UAE visa on which he was travelling from India to Dubai where he was apprehended. On his return, he was arrested by the prosecution.
4. Facts in the present case are in a narrow compass. Mr. Anand would submit that Applicant was arrested on 16.03.2025 and since then he is in incarceration. He would persuade the Court to consider

the fact that Applicant is a victim of circumstances in which he got trapped and indicted in the present offences. He would submit that Applicant trusted the other two accused persons who were agents and transferred substantial sums / amounts to them for procuring a valid visa to travel to UAE for better prospects for himself and for his family. He would submit that Applicant is a teacher of Urdu language. He is 28 years old and has two minor children to whom he is required to provide care and support. He would submit that Applicant transferred through bank transfers amount of Rs. 1.2 Lakhs to the other 2 co-accused persons for procuring the said visa which was given to him by the said co-accused persons and he thereafter travelled to UAE on that visa. He would submit that Applicant has virtually no role whatsoever to play in fabrication or forgery of the said visa document alleged by prosecution in the present case and it is the complete handwork of the other two co-accused persons in whom the Applicant reposed his trust and had paid a humongous amount of money to them for arranging the visa.

5. Ms. Yadav, learned APP would submit that investigation in the matter is underway and chargesheet is not yet filed.

6. *Prima facie* prosecution will have to carve out the precise role of Applicant and if what Mr. Anand has submitted is true, then Applicant

will have to be *prima facie* adjudicated as victim of circumstances in which he has found himself to be.

7. At the request of learned APP to allow her to take appropriate instructions on the precise role of the Applicant, list the present Bail Application for hearing and disposal on **18th June, 2025**.

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[MILIND N. JADHAV, J.]

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