IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 1228 of 2025

Gaurav Hasmukh Shah
Aged 42 years, Occ. Unemployed,
of Mumbai, Indian Inhabitant,
Residing at: Flat No.1803,
Shree Prafiill, Opp. Hitesh Wines,
Dahanukarwadi, Kandivali (West),
Mumbai, Maharashtra – 400 067. … Applicant

versus

The State of Maharashtra
Through Malad Police Station
having its address at
Underai Road, Navy Colony,
Mamledarwadi, Malad (West),
Mumbai, Maharashtra – 400 064. …Respondent

Mr Durgesh D Rege, for the Applicant.
Mr Prashant Jadhav, APP, for Respondent / State.
PSI Suryakant Doke, Borivali Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.
Date: 7 July 2025

P.C.:

. Heard the learned Counsel appearing on behalf of the applicant and the learned Additional Public Prosecutor representing the respondent – State.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.582 of 2024, registered at Malad Police Station, Mumbai, for the offences punishable under Sections 406 and 420 read with 34 of the Indian Penal Code.

3. It is the case of the prosecution that the applicant, in connivance with the co-accused, intentionally deceived the informant and several others by falsely promising to arrange work Visas for Canada. Relying on these misrepresentations, the victims were induced to pay a total sum of Rs.1,63,86,400/-. This amount was collected under the pretence of facilitating employment opportunities abroad, which were never fulfilled.

4. The learned Counsel for the applicant submits that the applicant has never been employed by M/s the Visa Mansion, a firm owned and operated by Rajul Kulshreshth. He further submits that it was, in fact, the applicant's wife, who is a co-accused in the present case, was associated with the said firm in the capacity of an overseas recruitment manager. In that role, she is stated to have received approximately Rs.18,00,000/- as professional remuneration for services rendered. The applicant, however, neither received any portion of the said amount nor derived any direct or indirect benefit from the alleged funds. He is not a beneficiary thereof in any manner whatsoever.

5. At the very outset, the learned Additional Public Prosecutor representing the respondent–State draws the Court's attention to the fact that the present application is the second one filed by the applicant seeking anticipatory bail. He submits that there has been no material change in the circumstances since the dismissal of the earlier application, which would warrant a reconsideration of the matter by this Court.

6. The learned APP further submits that the applicant, along with the co-accused, falsely represented themselves as proprietors of M/s the Visa Mansion and actively managed the affairs of the said firm, including the withdrawal of funds deposited therein. He submits that the applicant was served with a notice u/s 35 of the BNSS on 21 October 2024. However, despite due service, the applicant failed to cooperate with the investigation and subsequently absconded, necessitating the issuance of a Look-Out Circular (LOC).

7. The learned APP further points to the applicant's criminal antecedents and serious allegations, including the wilful deletion of crucial digital evidence from a laptop device. He submits that more than 18 victims have already come forward in connection with the alleged fraudulent activities, and it is likely that additional victims will come forward as the

investigation progresses. In light of these circumstances, the learned APP contends that custodial interrogation of the applicant is necessary for unearthing the financial trail and identifying other co-conspirators or beneficiaries of the alleged offence.

8. This Court has given anxious consideration to the rival contentions canvassed across the bar and perused the record.

9. The applicant is alleged to have embezzled a sum of Rs.1,63,86,400/- by fraudulently representing the ability to procure work Visas for Canada. There exists *prima facie* material on record indicating that the applicant, along with co-accused, falsely projected themselves as proprietors of M/s the Visa Mansion, and collected substantial sums of money from innocent individuals prior to abruptly ceasing operations. The material on record sufficiently demonstrates that both the applicant and the co-accused derived undue financial benefit from the commission of the alleged offence. It is pertinent to note that the applicant had filed an anticipatory bail application before the Sessions Court on 11 October 2024, which was rejected on 19 October 2024. Subsequently, the applicant approached this Court by filing Anticipatory Bail Application No.3371 of 2024. However, no explanation was offered for the

delay in approaching this Court, and the said application was also rejected on 11 December 2024. After that, the applicant again approached this Court by filing the present anticipatory bail application on 25 April 2025. Yet again, no justification or explanation has been furnished for the considerable delay in filing this second application. It is further relevant to highlight that during this entire intervening period, the applicant remained unavailable for investigation and did not cooperate with the investigating authorities. In light of the above, a Look-Out Circular has already been issued against the applicant. Moreover, the applicant's criminal antecedents further weigh against the grant of discretionary relief. The ongoing investigation has so far revealed over 18 victims of the alleged fraud, and there remains a strong likelihood of the emergence of additional similarly situated victims. Given the gravity and complexity of the offence, the custodial interrogation of the applicant is imperative to uncover the full extent of fraudulent activities and to trace the financial trail associated with the offence.

10. As a result, the application stands rejected.

(R.N. Laddha, J.)