

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

**CRIMINAL APPEAL NO. 558 OF 2025
WITH
INTERIM APPLICATION NO. 347 OF 2026**

Jerry Philips Jacob
Aged : 46 years, Occupation : Service,
Res : Disha Apartment, Flat No.303,
In front of Chamunda Hotel, BP Road,
Kandarpada, Dahisar (East) – Mumbai
Currently lodged at Mumbai Central Prison Appellant

V/s.

- 1) National Investigation Agency
(Through DCB-CID, Unit – VIII)
- 2) The State of Maharashtra Respondents

Mr. Zoheb Shaikh for the Appellant.
Mr. Anil C. Singh, The Additional Solicitor General of India a/w. Mr.Chintan
Shah, Special PP and Mr.Adarsh Vyas for Respondent No.1-NIA.
Smt. M.H. Mhatre, APP for Respondent No.2 – State.
Ms. Dhanashree Chavan, Inspector NIA, Mumbai.

**CORAM: A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

**RESERVED ON : 24th FEBRUARY, 2026
PRONOUNCED ON : 10th MARCH, 2026**

JUDGMENT : [PER : SHYAM C. CHANDAK, J.] :-

1) Present Appeal challenges a common Order dated
06th December 2024, below Exhibits 9 & 10, in NIA Special Case No.1225 of
2024, passed by the learned Special Judge, under NIA Act, Greater

Mumbai. Thereby, the learned Judge declined the prayer of the Appellant/Original Accused No.1 to release him on bail in the said case.

2) Heard Mr. Shaikh, learned counsel for Appellant, Mr. Singh, the learned Additional Solicitor General of India, for Respondent No.1, NIA and Smt. Mhatre, the learned APP for the Respondent No.2, State. Perused the record.

3) The prosecution case is that between December 2022 to March 2023 the Appellant and his associates/co-accused in furtherance of their common intention and hatching a criminal conspiracy, trafficked the informant Siddharth Yadav and others to abroad on false assurance of providing them employment with handsome income. However, after taking the informant and others to abroad, they were forced to do fraudulent activities resulting in unlawful gains for the accused persons. The informant and others were abused, threatened to kill and assaulted with fist and kick blows in order to coerce them into withdrawing their complaint made to the Indian Embassy seeking rescue. Additionally, the accused persons subjected the informant to extortion as a condition for facilitating his repatriation to India.

3.1) The informant upon his return to India lodged a complaint with Vile Parle Police Station on 23rd March 2024 which came to be registered at FIR bearing C.R. No. 298 of 2024, under Sections 420, 370, 323, 342, 346, 347, 386, 504, 506, 120-B and 34 of IPC and Sections 10

and 24 of the Emigration Act, 1983. The Appellant was arrested on 25th March 2024. Further investigation was conducted by the DCB, CID Unit by registering its C.R. No.33 of 2024. Thereafter the NIA took the control of the prosecution. The investigation culminated by NIA for the offences aforesaid. Accordingly, the initial and supplementary charge-sheets came to be filed against the Appellant, A-2/Godfrey Thomas Alvares, A-3/Sudarshan Darade and the wanted accused. The Appellant was denied bail during pendency of the investigation. His Application for bail at Exh.9 after filing of the charge-sheet also met with rejection by the impugned Order. Hence, this Appeal.

4) Mr. Shaikh, the learned Counsel for the Appellant submitted that, prior to leaving for abroad each of the alleged trafficking victims had been duly informed in India about the nature of employment and had been provided with formal employment contracts. Only after careful deliberations, the victims made a willful choice of exercising their employment rights abroad. By no stretch of imagination can it be said that the Appellant was engaged in inducement of trafficking victims or lured them to accept such employment. He submitted that the Appellant himself had entered into an employment contract and held a work permit both of which forms part of the prosecution record thereby placing the Appellant at par with trafficking victims and therefore he cannot be accused of engaging in human trafficking. He submitted that the statement of the witnesses

about the nature of the employment which allegedly involve certain scamming activities cannot be relied upon particularly when none of the purported victims of such scam forms part of the prosecution case. There is no evidence of cheating against the Appellant. Without any proper investigation the NIA has unjustifiably invoked the offence of Section 371 of IPC. The charge of extortion as invoked completely falls flat as the monies paid by the trafficking victims were merely towards facilitation and for securing their own safety and return. The prosecution case does not attract the **rigours** of any special statute and is being investigated by NIA only in respect of offences under IPC. Hence, there should not be any impediment to release the Appellant on bail, particularly in view of well settled principle of “Bail is a rule and Jail is an exception”. He submitted that except the offence of Section 371 of the IPC, the other alleged offences are punishable with lesser sentence. Although the offence of Section 371 of IPC is punishable with maximum imprisonment for life, invocation of said offence is completely illegal in this case. The investigation is complete and further detention of the Appellant is not required. Appellant has been in jail for almost two years. He is not likely to abscond and tamper with prosecution evidence. Therefore, bail may be granted.

5) In reply, Mr. Singh, the Additional Solicitor General of India has submitted that there is a strong prima facie case of the alleged offence against the Appellant. To substantiate this submission, Mr. Singh has

pointed out various statements of the witnesses and submitted that the victims were taken abroad by practicing deception, i.e., on the pretext of providing them employment promising a lucrative income. However, after taking them to the pre-decided destination, they were taken to another location, where they were compelled to engage in fraudulent activities against their will. When the victims objected to do the said work, their travel documents were withheld, thereby preventing them from returning to India and they were demanded money for return of the same, thereby making the return to India difficult. As such, the offence is serious and therefore bail may be refused.

6) We have considered these submissions in the light of the record. It revealed that the Appellant alongwith co-accused was running a recruitment agency since 2021-2022 and he had appointed agents. During the year 2020 to 2023 the Appellant used to visit South Asian countries such as Thailand, Cambodia, Vietnam, LAO Peoples Democratic Republic (Hereinafter "LAO"), Malaysia, Sri Lanka etc., to streamline the recruitment process of the youths. The recruitment agency of the Appellant was not legal as he was carrying the recruitment business without a valid certificate.

7) In October 2022, the A-3 Sudarshan Darade had entered into 'Recruitment Service Agreement' with the Appellant to recruit about thousand employee as 'Live Chat Agent' for LongSheng company at LAO. Thereafter, the Appellant and co-accused travelled from Mumbai to

Golden Triangle, LAO via Thailand. The Appellant used to work for LongSheng company at LAO as a recruitment agent/HR Head.

8) From perusal of the FIR, statement of witnesses, emails and the WhatsApp messages, it appears that informant Siddharth Yadav, aged 23 years, a hotel management pass-out, resides in Thane. The informant was in need of a job. Through his relative, the informant came into contact with one person namely Rohit who told Appellant that he would assist the informant in securing a job. Sometime in December 2022, Rohit apprised the informant that Appellant through his sub-agent namely Sushmita Dabde were recruiters, who place the deserving candidates in employment, wherein the candidates would earn 12000/- INR for jobs in India and 65000/- INR for overseas jobs. Being interested in that offer, the informant asked Rohit about the nature of the job abroad. Rohit apprised him that the said foreign job would involve working in a call center at Thailand and explaining the customers about crypto currency. The informant thereafter decided to get engaged in the job at abroad. Furthermore, Rohit instructed the informant to pay Rs.50000/- for the job processing fee. However, the informant could arrange only Rs.30000/- through his brother and balance Rs.20000/- the informant agreed to pay off from his 1st pay check.

8.1) After a couple of days, the informant received his employment offer, travel tickets and itinerary from the accused. On 30th December 2022 he travelled via Mumbai - Bangkok - Thailand (Chiang Rai) flight and

arrived at the immigration on 31st December 2022. From there, the informant along with others with assistance of a Chinese national passed through Chiang Rai immigration and arrived at LAO. From LAO the informant was taken to a place called Golden Triangle SEZ. There, the informant and others were introduced with A-2 and WA-1/Sunny Gonsalves who provided the informant and others with computers, phones and sim-cards and explained them the nature and the manner in which the job has to be performed. However, in reality, the informant and others were caused to involve in fraudulent activities. They were subjected to pay cut and penalties even for small mistakes at the work place. Therefore and for the complaint of harsh working conditions, the Appellant, A-2 and WA-1/Sunny Gonsalves shifted the informant and some co-workers from the said Company to another Company.

8.2) On 12th March 2023 the informant along with his colleagues namely Amit Kumar, Manoj, Shubham and others were celebrating a birthday wherein a scuffle took place amongst them for which the company has slapped them with a disciplinary fine. Reactively, the informant and others urged the Appellant, A-2 & WA-1/Sunny Gonsalves to return their passports. However, the Appellant told the informant and others to settle the monetary contractual obligations. On being aggrieved, the informant and others approached the Indian embassy through email narrating their situation and urged the Indian Embassy to rescue them. On the same day,

the Appellant, A-2 and WA-1/Sunny Gonsalves told the informant and the others to surrender their mobile phones and delete the data it contained and pressed upon the informant and others to pay the penalty. The said accused also abused, threatened, and manhandled them. Additionally, they were told to withdraw their complaint sent by them via email to the Indian Embassy. The Appellant snatched 200 Chinese Yuan from the informant as a consideration for their repatriation. Fortunately, the aforesaid email sent by the informant and others was acted upon and police of the LAO rescued and safely removed them from the clutches of the purported persecution and repatriated them back to India. Thereafter, the informant filed his complaint on 23rd March 2024 pursuant to which this crime was registered.

9) The aforesaid facts and circumstances indicate that, when the complainant and others had enquired about the nature of the work for which they got ready to go abroad, it was impressed upon them that they would be involved in some kind of lawful work. However record indicates that, after taking the complainant and other victims abroad, they were instructed to create fake social media profiles on platforms such as Facebook, Instagram, and TikTok. In certain instances, the trafficked victims were provided with hacked profiles. These profiles included dormant or inactive accounts. The trafficking victims were then directed to operate these profiles, develop online identities, initiate conversations with persons from other countries in order to obtain their WhatsApp numbers and

establish further communication. Thereafter, the trafficked victims were instructed to gain the confidence of such persons by discussing cryptocurrency investment opportunities and to persuade them to download certain mobile applications. Once the said applications were downloaded and the targeted persons deposited money into those applications, the customers were shown figures indicating profits within the application. However, in reality, no such profits existed and the entire arrangement was part of a fraudulent scheme. The deposited funds were ultimately transferred to accounts controlled by the accused persons or their associate entities. The record indicates that, the appellant was fully aware of these fraudulent activities. However, instead of disclosing the illegality of the operations, the complainant and other victims were taken abroad and compelled to work in the said Companies for the unlawful financial benefit of the accused persons.

10) In the wake of above, we are of the opinion that, there is a *prima facie* case against the Appellant that he along with co-accused hatched a criminal conspiracy by way of forming a syndicate of all the accused persons mentioned herein for trafficking unemployed but reasonably educated youths from India under the guise of providing them a lawful employment in foreign companies. After trafficking them, they were caused to indulge in the acts of deceiving people of other countries for unlawful gains. Whenever the recruited victims/job seekers used to refuse

to do the illegal online fraud work for the company and shown unwillingness for continuing the work, the arrested and wanted accused used to convince them to continue with the work to earn profit and promised that they will be promoted as 'Team Leader' in the LongSheng Company. If the victims still show their unwillingness to continue the illegal works, they were threatened of dire consequences. The victims were subjected to extortion for securing their release from the workplace and for facilitating their return to India. The alleged offence under Section 371 of IPC is punishable upto life imprisonment. The offence is serious in nature. It appears that, after release on bail, the Appellant is likely to abscond and tamper with the prosecution evidence. Therefore, we are not inclined to grant him bail.

11) In view thereof, the Appeal fails and it is dismissed accordingly.

11.1) As a result, aforesaid Interim Application does not survive and is accordingly disposed off.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)