

MHCC050062582022



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO.1876 OF 2022  
(C. R. No.443/2022 of Jogeshwari Police Station )**

**Fahad Khan S/o. Abdul Razzak Khan,** ]  
Aged about 32 years, Occ : ]  
Indian Inhabitant, R/a. G-4, ]  
Ramchandra Bhaiya Chawl, ]  
Janata Colony, Prem Nagar, ]  
Jogeshwari (E), Mumbai 400 060. ]..Applicant

Versus

State of Maharashtra, ]  
(Through Jogeshwari Police Station) ] ...Respondent

Ld. Adv. Bhandare for applicant.  
Ld. APP Usha Jadhav for State.

**CORAM : SHRI M.I. LOKWANI,  
Additional Sessions Judge,  
Court Room No.10.**

**Date : 15<sup>th</sup> December, 2022**

**ORAL ORDER**

The present application is filed by the applicant under section 438 of the Code of Criminal Procedure 1973 for granting Anticipatory Bail in connection with Crime No.443 of 2022, registered with Jogeshwari Police Station for the offences punishable under Sections 420 IPC r/w. 10 and 24 of Immigration Act 1983.

The brief facts of the prosecution case are as under :

2. It is alleged by the complainant Sanjay Rajendra Bhuttapale that on 08.08.2022, the complainant received E-mail sent by one Brahmakumar, Joint Secretary (Pravasi Rojgar Evam Utpravasi Mahasaurakshi) Videsh Mantralaya, New Delhi to Ministry of External Affairs by Protector of Immigrants, Mumbai. The said mail was in respect of complaint in respect of letter addressed to the office of Prime Minister dated 13.07.2022, wherein it is stated that Shri Aashik Hussain Thokar and Mansur Ahmed Gani, resident of Jammu and Kashmir collected the amount in the name of M/s. Fahad Consultancy and sent to Saudi Arabia. The amount of Rs.1,00,000/- taken from Aashik Hussain Thokar and Rs.1,30,000/- taken from Mansur Ahmed Gani. It is alleged by the complainant that raid was affected on the office of M/s. Fahad Consultancy, Jogeshwari (E), Mumbai on 14.09.2022. The applicant Fahad Khan S/o. Abdul Razzak Khan is the owner of the said company. Smt. Rizwana (Receptionist) was present in the office. It is the contention of complainant that applicant was in business of sending needy persons for job outside India and applicant possess several passports and visa registered with the name of persons sending to Saudi Arabia passport of Aashik Hussain Thokar and Mansur Ahmed Gani. It is alleged that applicant without license or any permit sent two Indian persons to outside India for job purpose and in that regard collected Rs.2,30,000/- from them but neither they got job nor applicant returned the said amount. Hence, applicant committed cheating with them and therefore, complainant approached to Jogeshwari Police Station and lodged report against applicant by which crime No.443/2022 registered against the applicant.

3. The Ld. Advocate for applicant submitted that applicant is innocent and falsely implicated in this crime. He runs the business of recruitment service under the name of Fahad Consultancy but not doing business of preparing passport and visas. The allegations made against him are false. He has no concern with alleged crime. It is further submitted that Aashik Hussain Thokar sent email wherein it is mentioned that we received Rs. 1,00,000/- each in their account. Adv of applicant submitted that applicant has returned the amount of Aashik Hussain Thokar and Mansur Ahmed Gani. Applicant returned Rs. 2,00,000/- to aforesaid persons. They have no complaint against the applicant. In support of that photocopy of email annexed with the application. Applicant is ready to abide any condition imposed upon him. Lastly, prayed to allow the application.

4. The Ld.APP raised strong objection in view of reply at Ex.2 and submitted that applicant has cheated Aashik Thokar and Mansur Ahmed Gani residents of Jammu and Kashmir. The applicant has collected Rs.2,30,000/- from them and assured that they will get job outside of India. However, neither they got job nor aforesaid money is returned to them. Hence, applicant cheated them. In that regard, detail investigation is required. It is submitted that aforesaid amount of Rs.2,30,000/- yet to be recovered from the applicant. The investigation is at initial stage. Hence, prayed for rejection of the application.

5. Considering the above submission of both advocates and gone through the record, it appears that applicant is involved in C.R. No.443/2022, registered at Jogeshwari Police Station for the offences punishable under Sections 420 IPC r/w. 10 and 24 of Immigration Act

1983. It appears that the allegations made against the applicant is about cheating/fraud that he has accepted amount of RS.2,30,000/- from two persons for job purpose outside India but the same is not given nor the aforesaid amount returned to them. However, on perusal of email annexed with the application shows applicant has returned Rs. 2,00,000/- to the Aashik Hussain Thokar and Mansur Ahmed Gani. Furthermore, complainant present before the court and submitted that matter is settled between them and he has no objection to grant anticipatory bail to the applicant. In view of aforesaid reasons, there is nothing on record to show that custodial interrogation of the applicant is warranted. Hence, in view of aforesaid reasons, case made out to grant anticipatory bail to the applicant. Hence, I proceed to pass following order.

**ORDER**

1. Anticipatory Bail Application No.1876 of 2022 is hereby allowed.
2. In the event of arrest of the applicant **Fahad Khan S/o. Abdul Razzak Khan**, he be released on bail on executing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety in like amount in connection with Crime No.443/2022, registered with Jogeshwari Police Station for the offences punishable under Sections 420 IPC r/w. 10 and 24 of Immigration Act 1983, on following conditions :
  - i) He shall attend Jogeshwari Police Station every Sunday between 10.00 a.m. to 01.00 p.m. till filing of the chargesheet.
  - ii) He shall not pressurise the complainant and witnesses.
  - iii) He shall not directly or indirectly make any

inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such a fact to the Court or to any police officer.

- v) He is directed to furnish his local & native address and his contact number to Jogeshwari Police Station.
- vi) Inform to the Jogeshwari Police Station.

3. Anticipatory Bail Application No.1876 of 2022 stands disposed of accordingly.

Dictated and pronounced in open Court.

Dt. 15.12.2022

**(M.I. LOKWANI)**  
Additional Sessions Judge,  
Borivali Div., Dindoshi, Mumbai

Directly typed on PC on : 15.12.2022  
Checked & Signed by HHJ on : 15.12.2022

| CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”<br>UPLOAD DATE AND TIME 20.12.2022 AT 04.50 p.m. NAME OF STENOGRAPHER PRASAD S. TARE |  |
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| Name of Judge (with Court room no.)  | HHJ Shri M.I. Lokwani, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10) |
| Date of Pronouncement of JUDGEMENT/ORDER   | 15/12/2022   |
| JUDGEMENT/ORDER signed by P.O. on  | 15/12/2022   |
| JUDGEMENT/ORDER uploaded on  | 20/12/2022   |