

MHCC030004552021



**IN THE COURT OF SESSIONS FOR GR. MUMBAI AT MUMBAI
ANTICIPATORY BAIL APPLICATION NO.2005 OF 2021**

Ammeet Kamal Agarwal,]
Age: 31 Years, Occ: Business.]...Applicant

V/s.

The State of Maharashtra]
(At the instance of Azad Maidan]
Police Station, vide C.R. No.249 of]
2021)]...Respondent.

Advocate Shailesh Kantharia for applicant.
APP Iqbal Solkar for the State.

**CORAM : HIS HONOUR THE AD-HOC ADDL.
SESSIONS JUDGE**

Dr. Shri.U.J.More (C.R. No.58)

DATE : 20th SEPTEMBER, 2021

ORDER

1. This is an anticipatory bail application under section 438 of Cr.P.C. in connection with C.R. No.249 of 2021 for offence punishable under sections 419 and 420 of Indian Penal Code, registered at Azad Maidan Police Station.

2. The case of the prosecution is that applicant was working as a Honorary Consul of Democratic Republic of Congo Nation. His appointment was withdrawn by the Department of Foreign Affairs, Government of India through order number /reference number

DIII/460/CR-34/2015. By letter dated 30.10.2017 as well as the letter sent by Mr. Mosi Nayamale Rosest, officer working at Consulate Office of Democratic Republic of Congo Nation with reference no.13283/01/825/17 dated 04.12.2017. In short despite of both above letters of withdrawal of post of Honorary Consul General and applicant /accused illegally, directly or indirectly misused his position by taking participation with State Government or Central Government affiliated various institutions and thereby committed breach of trust by inducing various institutions showing them as a representative of Democratic Republic of Congo country. Accordingly, complaint filed by Ravindra Mahadev Katkar, PI, Foreign Citizen Service Branch, Special Branch, Crime Branch, Mumbai.

3. The case of the applicant is that as per FIR if the Honorary Services of applicant was discontinued on 30.10.2017. In that circumstances, the Protocol Department of Government of Maharashtra who had issued identity card to the applicant which was valid till 02.03.2021 was never cancelled nor the applicant was intimated about such withdrawal by the Consulate. He has also received identity card issued by Federation Internationale Des Corps ET Associations Consularies AISBL (FICAC), which is valid upto 31.12.2021. The applicant appointment as the Honorary Consul of the Democratic Republic of the Congo in Mumbai was issued as per the Gazette of India No.DIII/460/CF-34/2015. He has not received any further Gazette about discontinuation as Honorary Consul of Congo. Despite of withdrawal is affected by the Consulate General Office against the applicant in that scenario the applicant would not be shown as the Honorary Consul of Democratic Republic of Congo till date in the consul directory available online. If the applicant was discontinued as the

Honorary Consul of Democratic Republic of Congo, in that case the applicant would not have been invited by the other Consulates to attend their occasions time and again. He is a respectful citizen and rendered Honorary Services. He has permanent residence in Mumbai and is ready to furnish proper surety.

4. I have heard learned Advocate Shailesh Kantharia for applicant. He submitted that Government of Maharashtra, Protocol Department has issued identity card which is valid upto 02.03.2021. Mumbai Police has provided security to him. He never received official correspondence about termination of his service.

5. I have heard learned APP for the State submitted that the page 13 of the compilation reveals issuance of date of identity card 12.09.2017. The date of Gazette is 18.03.2017, despite of withdrawal of his service, he attended the secret meeting. He misused his position visa works. He represented wrongly despite of no authority. It needs to be investigated thoroughly.

6. Heard both sides. Perused application and say.

7. It is an admitted position that Mr. Ammeet Kamal Agarwal was appointed as a Consul (Honorary) at Mumbai of the Democratic Republic of Congo by the Gazette of India No.DIII/60/CF-34/2015. The plea taken by the applicant is that he was never informed about discontinuation of his services as a Honorary Service of Consul of Democratic Republic of Congo is not tenable. It reveals from the say of the Azad Maidan Police Station that his appointment has been revoked and suspended and the same was never filed Subject no.DIII/460/CF-

34/2015 to the applicant /accused and he was also informed through lawyer Mr. Mosi Nayamale Rosest vide letter no.13283/01/825/17 dated 04.12.2017 and it was specifically informed to the applicant /accused that he is relieved from his services and privileges.

8. I have perused copy of mail dated 04.12.2017 sent to applicant /accused as well as the copy of the mail sent by Department of Foreign Affairs dated 30.10.2017 to the Embassy of the Democratic Republic of the Congo, New Delhi as well as the copy of mail dated 21.05.2021 sent to the Niyati Thaker Dave, Special Branch Officer by the Embassy of Democratic Republic of the Congo transpires that Mr. Ammeet was ceased to be the Honorary of Democratic Republic of the Congo since 2017 and he is fully aware of that position, despite he has misused is position since last four years. Despite of validity of identity card issued by the Protocol Department by Government of Maharashtra till March 2021, he has also not submitted the identity card to the Protocol Department of the Government of Maharashtra. All these overact on the part of the applicant /accused reveals that he was not a Honorary Consul represented the country and therefore, there is substance in the allegations levelled in the FIR by the Senior Police Inspector by the Special Branch against the applicant /accused. It reveals that act of cheating at the instance of applicant /accused without having authority to represent Democratic Republic of Congo nation and thereby induced various institutions under the pretext that he is Honorary Consul. In such serious case interrogation at the instance of investigating agency is material. I am of the opinion that applicant /accused has not found in present situation as a Diplomat as a Honorary Consul of Democratic Republic of Congo. I am of the considered opinion that he does not deserve for pre-arrest bail. Hence, the order:-

ORDER

1. Anticipatory Bail Application No.2005 of 2021 is rejected being devoid of merits.
2. Anticipatory Bail Application No.2005 of 2021 stands disposed of accordingly.

(Dr. U.J.More)

Ad-hoc Additional Sessions Judge
City Civil & Sessions Court,
Gr. Bombay

Date : 20/09/2021

Order Dictated on : 20/09/2021
Transcribed on : 20/09/2021
Signed on : 20/09/2021

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”		
Upload Date	Upload Time	Name of Stenographer
21.09.2021	4.51 p.m.	Arun Annamalai Mudaliyar

Name of the Judge (With Court Room No.)	HIS HONOUR THE AD-HOC ADDL. SESSIONS JUDGE Dr. Shri. U. J. More (CR 58)
Date of Pronouncement of JUDGEMENT /ORDER	20.09.2021
JUDGEMENT /ORDER signed by PO. on	20.09.2021
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