

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6934 of 2020**

- Jyoti Rasel Sheikh @ Shahida Khatun, W/o Mohammad Rasel Sheikh, aged about 29 Years, R/o Balla, Post Raghunath Nagar, Thana Jhikargajha, District Jaishor Desh Bangladesh, Hall Mukam- Quarter No. 15/Q.Avenue D Sector-6 Bhilai, Tahsil and District Durg, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Thana Prabhari, Thana Bhilai Nagar, District Durg, Chhattisgarh.

----Non-applicant

For Applicant	Mr. Rajendra Kumar Patel, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

25/02/2021

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. as she has been arrested in connection with Crime No.265/2020 registered at Police Station Bhilai Nagar, District Durg, C.G. for the offence punishable under Sections 420, 467, 468 & 471 of Indian Penal Code, Section 12(1) of Indian Passport Act and Section 14 of the Foreigners Act, 1946.
2. Case of the prosecution, in brief, is that the police party upon receipt of secret information raided the house of the present applicant and on inquiry her original passport of Bangladesh bearing No.BQ0028107 in the name of Smt. Shahida Khatun was seized. She was issued Visa by this passport once which expired

on 13.09.2018 but despite expiry of the Visa period she was staying in India. It is further alleged that in order to show citizenship of India, the applicant had procured Aadhar card, PAN card and Passbook of Indian Bank, Juhu Nagar, Mumbai.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. The applicant is 29 years lady, she is in jail since 12.07.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. It is submitted that in the similar matter the accused has been granted regular bail by the co-ordinate Bench of this Court vide order dated 23.09.2020 in MCRC No.5351 of 2020. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the detention period of the applicant, who is a lady of 29 years, charge sheet has already been filed and conclusion of trial is like to take some time and that in the similar matter the accused has already been granted regular bail by the co-ordinate Bench of this Court, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum

of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, she shall be released on bail on the following conditions:-

- That, the applicant shall furnish a specific, undertaking that while on bail, she will not commit any offence, otherwise bail granted to her shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant shall make herself available before the trial Court as and when required and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
- That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
- That, the accused/applicant shall not leave India without previous permission of the Court.

Considering the fact that the cases like the present one are on the rise, the District Magistrate and the Superintendent of Police, Durg, C.G. to take appropriate action in this regard for identifying the foreigners illegally residing within their jurisdiction and proceed against them in accordance with law.

Let a copy of this order be forwarded to the District Magistrate and the Superintendent of Police of Durg, C.G. immediately for doing the needful.

Sd/-
Gautam Chourdiya
Judge