

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

BAIL APPLICATION NO. 420 OF 2021

Lalit Nana Marathe

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Mahendra N. Sandhyanshiv for the Applicant.

Mr. A.A.Palkar, APP for the Respondent -State.

Mr. P. R. Kale, API, Pawarwadi Police Station, Malegaon present.

CORAM : V. G. BISHT, J.

RESERVED ON :22ND NOVEMBER 2021

PRONOUNCED ON : 4TH DECEMBER, 2021

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. I-120 of 2020 registered with Pawarwadi Police Station, Malegaon, Nashik, for offences punishable under Sections 420, 465, 466, 468, 471 read with 34 of the Indian Penal Code (IPC), Section 12(b) of the Passport Act, Rules 3 and 6 of Passport (Passport into India) Rule, 1950, Clause 3(1) of Foreigner's

Citizen Order, 1948, Section 14 of the Foreign Citizen Act, 1946 and Rule 2 of Report of Police Rule, 2001.

2 The prosecution case is that accused no.1, namely, Tahir Ali Yusuf Ali, having citizenship of Bangladesh from 1st October 2020 till the filing of complaint with the help of other accused, namely, Alam Amin Ansari, Shaikh Ashpak Shaikh Munaf Kureshi, Ekhlague Ahmed Mohd. Mustafa, Shaikh Imran Shaikh Rashid, Iqbal Khan Munnir Khan, Lalit Nana Marathe (present applicant), Zakir Ali Abdul Majid Khan, Ishtiyak Ahmed Irshad Ahmed, Ullas Shankarro Mahale, Zahir Hashim Hashim Haniba and Nisar Abdulla got false and forged documents prepared viz., (a) Sheshan Card (SHE 7371388 (b) Birth Certificate issued by Malegaon Municipal Corporataion, (c) Aadhar Card No.400684104781 (d) Post Office Saving Accounts Pass Book A/c. No.4908984806 etc. showing him to be resident of Malegaon and on the basis of these documents prepared forged passport bearing No.U5005595. In the wake of these allegations, the applicant came to be arrested and the First Information Report

(FIR) was registered against all the abovenamed accused.

3. Mr.Sandhyanshiv, learned counsel for the applicant-accused, submits that at the relevant time the applicant was not working with Malegaon Municipal Corporation and the alleged birth certificate was issued to accused Tahir Ali Yusuf Ali on 17th October, 2020. It is very much clear that the applicant is nowhere concerned with the alleged offence of issuing birth certificate. Investigation is completed and the charge-sheet has been filed. In such circumstances, the applicant deserves to be released on bail.

4. Mr. Palkar Learned APP fairly submits that the submissions advanced by learned Counsel for the applicant are correct.

5. Perused investigation papers. I have gone through a letter addressed by Division Officer, Division Committee Office No.4, Malegaon Municipal Corporation, Malegaon addressed to Health Officer, Malegaon Municipal Corporation, Malegaon stating at

column No. 5 that the present application had worked in the Birth and Death Department from 28th August, 2016 to 1st April, 2019 and thereafter, he worked as a driver in Sanitation Department.

6. From the above, it is quite clear that the alleged birth certificate issued to accused Tahir Ali Yusuf Ali was not issued by the applicant nor did he in any manner helped other accused in the issuance of birth certificate inasmuch as on 17th October, 2020, he was not working in the Birth and Death Department. Moreover, the investigation is over and the charge-sheet has already been filed. No criminal antecedents are brought on record.

7. Having regard to the facts and circumstances of the case, in my considered opinion, the detention of the applicant is not necessary. Hence the following order :

ORDER

- (i) Applicant – Lalit Nana Marathe shall be released on bail in C.R.No. I-120 of 2020 registered with Pawarwadi Police Station, Malegaon, Nashik, on his executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in like amount.
- (ii) Bail before the trial Court.
- (iii) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (iv) The application is allowed in the aforesaid terms.

(V. G. BISHT, J.)

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