

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

ANTICIPATORY BAIL APPLICATION NO.239 OF 2021

Anikul Jargis Khan

.. Applicant

Versus

State of Maharashtra

.. Respondent

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Mr.Dushyant S. Pagare, Advocate for the Applicant.

Mr.S.S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 05, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.48 of 2020, registered with Aazad Maidan Police Station, Mumbai, for offences punishable under Sections 465, 467, 468, 471 and 420 of Indian Penal Code (“IPC”, for short), Sections 3 and 6 of Passport Act and Section 14 of the Foreigner Act. First Information Report (“FIR”, for short) was lodged on 21st January, 2020.

2 The prosecution case is that secret information was received that several persons from Bangladesh are residing in India on the basis of false and fabricated documents. In pursuant

to that investigation was conducted and it is found that the applicant and his son-in-law has fabricated documents to claim citizenship. Summons was issued to the applicant under Section 91 of Cr.P.C. for production of documents. In pursuant to that the applicant has produced several documents such as Domicile Certificate, Passport, Aadhar Card, Voter's card, ration card, electricity bill etc.

3 The contention of the applicant is that he is Indian citizen and he is in India right from his birth. His contention is verified by the documents which are already produced before the investigating officer.

4 Learned APP, however, submits that several persons are claiming citizenship on the basis of fabricated documents. The applicant had aided his son-in-law in preparing false documents. The son-in-law of the applicant Mohammad Shoeb Chaudhari has been arrested and subsequently he has been granted bail by order dated 5th March, 2020. Learned counsel for the applicant also pointed out that previously the applicants and his wife were prosecuted for similar offence and case has resulted in acquittal.

5 Considering this circumstances, the relief prayed in this application can be granted.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.239 of 2021, is allowed;
- (ii) In the event of arrest of the applicants in connection with C.R.No.48 of 2020, registered with Aazad Maidan Police Station, Mumbai, the applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report the investigating officer as and when called for, till filing of charge-sheet;
- (iv) Anticipatory Bail Application No.239 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)