IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 554 OF 2021

Shaikh Yunus Shaikh Rahim .... Applicant

Versus

The State of Maharashtra .... Respondent

Mr. N. R. Bubna for Applicant.
Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th MARCH, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.120 of 2020 registered at Pawarwadi police station, Nashik Rural, on 06/11/2020 under sections 420, 465, 466, 468, 471 r/w. 34 of the Indian Penal Code (for short 'IPC'). The applicant was arrested on 06/11/2020 itself and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Shri. Bubna, learned counsel for the applicant

and Smt. Lohokare, learned APP for the State.

3. The prosecution case is that the accused No.1 Tahir Ali and one Alam Ansari were Bangladeshi Nationals, but they entered India unauthorisedly without valid documents. They created fake documents and they wanted to get Indian Passport. For that they used forged documents. The allegations against the present applicant are that the applicant helped accused Tahir in applying for fake documents showing that he is citizen of India. It is alleged that the applicant gave his Aadhar card and electricity bill as proof of his address for Tahir. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, in the entire charge-sheet there is no material against the present applicant. The documents of the present applicant are taken by co-accused from some other source. The applicant has not given his documents to main accused. There is nothing in the charge-sheet to show that applicant himself had given these documents. He further submitted that these documents are used as KYC documents in many departments, therefore, it is not difficult to obtain those documents.

5. Learned APP opposed this application on the ground that, it is a serious offence and applicant had helped Bangladeshi Nationals in obtaining the documents showing that they were Indian citizens.

6. I have considered these submissions and with the assistance of learned counsel for the parties, I have perused the charge-sheet. In the charge-sheet, there is one panchanama dated 07/11/2020. It is the panchanama of house search of the present applicant. During that panchanama, the applicant's son produced Aadhar card and electricity bill of his house. Police had seized them. Apparently, these documents were used to create the documents for Tahir showing that he was residing at the same address. However, in the entire charge-sheet, there is no other statement or document or any other indication to show that the applicant had given those documents to any of the accused for creating forged documents for accused Tahir. The prosecution case is that, other agents had committed forgery and have created forged documents, but even there is no connection between this accused and present applicant. Therefore, considering the very

weak nature of evidence against the present applicant, he cannot be kept in detention as under trial prisoner for the entire period of trial. However, considering the seriousness of offence and to ensure that the applicant shall remain present during trial, certain conditions are imposed on him.

7. Hence, the following order :

ORDER

(i) In connection with C.R.No.120 of 2020 registered at Pawarwadi police station, Nashik Rural, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) The Applicant shall attend the concerned Police Station every fortnight till framing of the charge.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)