

Section 14, 2 (Report to Police) Rule, 2001 of Foreign Citizens Act, 1946.

3. Learned Counsel for the applicant states that the only allegation *qua* the applicant is, that when he was working as a temporary employee, with the Malegaon Municipal Corporation, he prepared a bogus Birth Certificate for a Bangladeshi National, on the basis of which, the Bangladesh National was issued a passport. He submits that the applicant is in custody since 9th November, 2020 and that investigation is complete and chargesheet is filed. He further submits that the applicant has no antecedents.

4. Learned APP does not dispute the aforesaid role of the applicant. Learned APP, on instructions, states that the applicant has no antecedents.

5. Perused the papers. It is the prosecution case that accused No.1 Alam Ansari, a citizen of Bangladesh, had entered India and was staying in various places in India, without passport and, without the permission of any Government authority. It is further alleged that Alam Ansari had prepared forged documents i.e. Aadhar Card, Voter Card, Birth

Certificate etc. to show that he was a resident of Malegaon, and that on the basis of these documents, passport came to be issued to Alam Ansari. It is the prosecution case that during inquiry it transpired that the said documents furnished by Alam Ansari i.e. Aadhar Card, Voters Card, Birth Certificate etc. were forged and fabricated. As far as the applicant is concerned, the applicant is alleged to have helped Alam Ansari in preparing a forged Birth Certificate, when the applicant was serving as a temporary employee with the Malegaon Municipal Corporation. The allegation, qua the applicant is, that the applicant downloaded the Birth Certificate of various persons in Mynet Software in the office computer of the Municipal Corporation and saved the said certificates, edited it, and then after photoshopping, issued a Birth Certificate in the name of Alam Ansari, on the Corporation's letter-pad. The applicant is alleged to have prepared the Birth Certificate by using the Government computer and Government office i.e. Ward No.2, Malegaon Municipal Corporation and by affixing the rubber stamp of the Municipal Corporation.

6. No doubt, prima faice, the complicity of the applicant is seen in the commission of the alleged offence, however, since investigation is complete and chargesheet is filed, and since the applicant is in custody since 9th November, 2020 and as has no antecedents, further detention of

the applicant is not warranted. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;

(ii) The applicant shall inform his latest place of residence and mobile contact number, if any, soon after being released on bail and/or if there is any change of residence or mobile details, time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iii) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.