

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1902 OF 2021

Muddassir Ekhlaque Ahmed .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. N.R. Bubna for the Applicant.

Mr. S.H. Yadav, A.P.P. for the State.

Mr. S.R. Shaikh, API attached to Pawarwadi Police Station, Malegaon, is present in the court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 06TH AUGUST, 2021.

P.C:-

1. The Applicant is charge-sheeted in C.R. No.I-120 of 2020 registered with Pawarwadi Police Station, Malegaon invoking Sections 420, 465, 466, 468, 471 read with Section 34 of the IPC, Section 12(b) of the Passport Act, Rules 3 and 6 of the Passport (Passport into India) Rule, 1950, clause 3(1) of the Foreigner's Order 1948, Section 14 of the Foreign Citizens Act, 1946 and Rule 2 of Report to Police Rule 2001.

2. The case of the prosecution is that Accused Nos.1 and 2 are citizens of Bangladesh, who are residing in India on the basis of forged documents and when they applied for passport, Accused No.3, an agent, helped them for procuring Indian Passport. The Applicant is alleged the role of assisting the main accused by uploading the documents and giving a print out thereof to Accused Nos.1 and 2. In the wake of these allegations, the Applicant came to be arrested on 06/11/2020 and, since then, he is incarcerated. The investigation is complete and the charge-sheet is filed.

3. The material compiled in the charge-sheet assign a limited role to the Applicant that he has uploaded the documents of Accused Nos.1 and 2. The Applicant runs a Common Service Centre allotted to him under the Scheme of Ministry of Communication and Information Technology, which is equipped with computer, printer and internet facility so as to provide the facility of I.T. enabled front end delivery point for Government and social sector services to general public. The Applicant does not play any role of verifying the documents, but through the services of Common Service Centre, if a customer comes for uploading the documents, he uploads the same and, in certain cases, he has downloaded the documents which he has received through e-mail. This is precisely which the Applicant claims that he has done in the present case, without being aware about the

status of Accused Nos.1 and 2 when they applied for obtaining a passport with their documents in the form of Aadhaar Card and proof of address.

4. Learned A.P.P. states that the Applicant is also involved in another C.R. being C.R. No.I-36 of 2020 registered with Ayesha Nagar Police Station, Malegaon, which also invokes Sections 420, 465, 466, 468, 471 read with Section 34 of the IPC, which attribute similar types of involvement. Perusing the material in the charge-sheet, which assign limited role to the Applicant, the Applicant deserves to be released on bail. This is, however, subject to grant of liberty to the prosecution to move for cancellation of bail, if at any point of time, the Applicant is found involved in similar nature of transaction through his Service Centre. Hence the following order:

: ORDER :

(a) The Applicant – Muddassir Ekhlaque Ahmed shall be released on bail in C.R. No.I-120 of 2020 registered with Pawarwadi Police Station, Malegaon, Dist. Nashik on executing P.R. bond to the extent of Rs.20,000/- and furnishing one or two sureties of the like amount.

(b) The Applicant shall not directly or indirectly

make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

- (c) The Applicant shall mark his attendance in the concerned Police Station on the first Monday of every month, till the charge is framed.

5. The Application is allowed in the aforestated terms.

6. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]