

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2086 OF 2021

SHAIKH IMRAN SHAIKH RASHEED)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Shahid Nadeem i/b. Mr.Mateen Shaikh, Advocate for the Applicant.

Mr.H.J.Dedhia, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

**RESERVED ON : 21st OCTOBER 2021
PRONOUNCED ON : 26th OCTOBER 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.120 of 2020 registered with Police Station Pawarwadi, Malegaon, Nashik, for offences punishable under Section 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(i) of Foreigner's Citizen Order, 1948, Section 14(2) 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 Imran Shaikh Rashid (present applicant), Muddassir Ekhlague Ahmed, Lalit Nana Marathe, Thekedar Samsul Hudda, Shaikh Yunus Shaikh Rahim and Iqbal Khan Munnir Khan got false and forged documents prepared viz., (a) Birth Certificate issued by Malegaon Municipal Corporataion, (b) Aadhar Card No.837974331679 and PAN Card No.AZXPT7628K showing him to be resident of Malegaon and also used them as genuine and applied online (BO5064969637620) for passport. 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.Shahid Nadeem, learned counsel for the applicant-accused, submits that the prosecution has failed to establish prima facie case of forgery as alleged in respect of the present applicant in as much as during the course of investigation nothing has been recovered from his possession. Except the allegations that the applicant-accused took Bangladeshi people and other persons, there is nothing against him. According to the learned counsel, other accused, namely, Muddassir Ekhlaque Ahmed has already been released on bail and therefore, the present applicant also deserves to be released on bail.

4 Mr.H.J.Dedhia, learned APP, on the other hand, opposed the submissions by contending that having regard to the nature of accusations/allegations, the present application does not merit consideration.

5 I have gone through the records. It is clear and there is no dispute to the fact that the investigation has been completed leading to the filing of the charge-sheet. All the alleged forged

documents, during the course of investigation, have been seized by the Investigating Officer and are forming part of the charge-sheet. Since no overt act is assigned to the present applicant and having regard to the punishment that entails, in my considered opinion, no useful purpose would be served by keeping the applicant behind the bars. Hence the following order :

ORDER

- (i) Applicant – Shaikh Imran Shaikh Rasheed shall be released on bail in C.R.No. 120 of 2020 registered with Police Station Pawarwadi, Malegaon, Nashik, on his executing PR.Bond in the sum of Rs.20,000/- with one or two sureties in like amount.
- (ii) 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.

- (iii) The applicant shall attend the concerned Police Station on the first Monday of every month, till the Charge is framed.
- (iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (v) The application is allowed in the aforesaid terms.

(V. G. BISHT, J.)

ARTI VILAS
KHATATE

Digitally signed by
ARTI VILAS KHATATE
Date: 2021.10.26
13:39:17 +0530