

Prajakta Vartak

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

BAIL APPLICATION NO. 3126 OF 2021

Hayar Hussain @ Naeemuddin S/o Nuruddin .. Applicant
Vs.
State (Sahar Airport Police Station) .. Respondent

Mr. Prabhakar Tripathi a/w Shubham Upadhyay for the applicant.
Smt. Veera Shinde, APP for the State.
ASI. K. A. Rane, Sahar Police Station present.

CORAM : BHARATI DANGRE, J.
DATE : OCTOBER 06, 2022.

P.C.:

1. The learned APP states that the Investigating Officer seeks accommodation as according to her, Investigating Officer has travelled to Guwahati as the applicant is the resident of Assam.

The applicant is charged for the offences punishable under Sections 465, 468, 471, 419, 420 of the IPC, under Section 12(1)(b) of the Passport Act, 1967 and under Section 14(a)(b) of the Foreigners Act, 1947 and charge-sheet accused him of gaining an entry of continuing his residence in India (Assam) with the help of an agent and of furnishing incorrect information for obtaining passport on the basis of which he travelled from Mumbai to Riyadh and obtained an Emergency Certificate in the year 2011.

2. The learned counsel for the applicant states that the trial has

commenced and witness no.1 who entered into the witness box admitted in the cross-examination that the passport issued to the accused was correct and therefore, Emergency Certificate was issued to him. He also admits that the information about the accused is being reflected on the server.

3. In the wake of the aforesaid admission given in the cross-examination by the witness, the applicant cannot be further detained in custody, though he may face the consequences of the charge in the wake of the other evidence which the prosecution will be leading. Hence, the applicant deserves his release on bail by the following order:-

ORDER

- (a) Application is allowed.
- (b) Applicant - Hayar Hussain @ Naeemuddin S/o Nuruddin shall be released on bail in connection with C.R.No. 120 of 2021 registered with Sahar Airport Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall be released on cash bail of Rs. 25,000/- for a period of six weeks in lieu of sureties. During the said period, the applicant shall arrange for the sureties.

(d) The applicant shall be permitted to leave Mumbai with permission of the concerned Magistrate before the trial is concluded. The applicant shall attend the trial on day to day basis and his absence on two consecutive dates will entitle the prosecution to make an application for cancellation of bail.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(SMT. BHARATI DANGRE, J.)