

AGK

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

ANTICIPATORY BAIL APPLICATION NO.206 OF 2023

Abdullah Abdul Qadir	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Nikhil G. Hire for the applicant.

Mr. Pandurang H. Gaikwad, APP for the
respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 15, 2023

PC.:

1. Apprehending arrest in connection with C.R. No.I-36 of 2020 registered with the Aayesha Nagar Police Station, Malegaon for the alleged offences punishable under Sections 402, 405, 466, 468, 471 read with Section 34 of the Indian Penal Code, Section 12(b) of the Passport Act; Rule 3 and 6 of the Passport (Entry into India) Rule, 1950; Clause 3(1) of the Foreigner's Citizen Order, 1948 and under Section 14, 2 (Report to Police) Rule, 2001 of Foreign Citizens Act, 1946, the applicant has filed present anticipatory bail application seeking relief under Section 438 of the Criminal Procedure Code, 1973.

2. After having heard the parties, it appears that the only allegation against the applicant is that he signed the birth

certificate which was allegedly prepared by accused No.9/Ulhas Shankarrao Mahale. There is no dispute about the role played by the applicant.

3. According to prosecution, it is alleged that one Alam Ansari prepared forged documents, i.e. Aadhar Card, Voter Card and Birth Certificate to show that he was resident of Malegaon and on the basis of these documents, passport was issued to him. Accused No.9 had filed Criminal Bail Application No.580 of 2021. The allegations against accused No.9 was that he downloaded birth certificates of various persons in Mynet software in the office computer of the Municipal Corporation and modified it to prepare birth certificate in the name of Alam Ansari on Municipal Corporation's letter pad. The role attributed to the applicant is that he signed said birth certificate.

4. The investigation is complete. Charge-sheet is filed. Since accused No.9 has already been released on bail by an order dated 7 October 2021 passed by a coordinate Bench of this Court in Criminal Bail Application No.580 of 2021, the present applicant also deserves to be released on anticipatory bail. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.I-36 of 2020 registered with the Aayesha Nagar Police Station, Malegaon for the alleged offences punishable under Sections 402, 405, 466, 468, 471 read with Section 34 of the Indian Penal Code, Section 12(b) of the Passport Act; Rule 3 and 6 of the Passport (Entry into India) Rule, 1950; Clause 3(1) of the Foreigner's

Citizen Order, 1948 and under Section 14, 2 (Report to Police) Rule, 2001 of Foreign Citizens Act, 1946, he be released on bail on furnishing PR. Bond in the amount of Rs.25,000/- with one or two sureties in the like amount;

b) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required;

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

5. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)