

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

CRIMINAL APPLICATION NO. 23 OF 2023

Shila Mujibur Rehman Das @ Nela Bibi ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Prabhanjay R. Dave, for the Applicant.
Mr. S. V. Gavand, APP for the State.
WPSI- Madhura Bhosale, SB-1 branch present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 24, 2023

P.C. :

1. Heard learned counsel for the applicant. My attention is invited to the order passed by the learned Sessions Court granting bail to the applicant who is alleged to be a Bangladeshi national. While granting bail, Sessions Court in the operative part of the order has observed thus :

“ **ORDER**

1. Criminal Bail Application No.2928 of 2022 is allowed.
2. Applicant/accused Shila Mujibur Rehman Das @ Nela Bibi be released on bail on furnishing P.R. Bond of Rs.25,000/- along with one or two sureties of like amount in connection with LAC No. 17/2022 registered with SB-1, Branch, CID, Mumbai.
3. After released of applicant from Judicial custody, she be detained in Detention Centre till establishment of identity as Indian Citizen.

4. Bail before Ld. Court below.

5. Criminal Bail Application No. 2928 of 2022 stands disposed of accordingly."

2. The applicant is aggrieved by clause 3 of the operative part of the order. Learned APP submits that no such detention centre has so far been established to complete the formalities so that identity of the applicant could be enquired into. In such view of the matter, stringent conditions can be imposed on the applicant apart from the conditions imposed by the trial Court so that the applicant can avail of the order granting her bail.

3. The condition no. 3 in the operative part of order dated 20/12/2022 passed by the Sessions Court shall remain suspended till the establishment of the detention centre or any other further orders/circulars that may be issued in that regard by the concerned department or till her deportation after following established procedure.

4. The applicant to report to the SB-1 Branch, CID, Mumbai on every alternate day between 4.00 p.m. to 5.00 p.m. till establishment of her identify or subject to further orders that may be passed regarding her deportation.

- 5.** The applicant shall not leave the city of Mumbai without leave of the trial Court and shall furnish her contact number, residential address to the investigating agency.
- 6.** The application is disposed of.

(M. S. KARNIK, J.)