



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

BAIL APPLICATION NO.1241 OF 2023

ARUP GUHA S/O TAPASH GUHA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Jyotiram S. Yadav for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 11, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 465, 468, 471, 420, 34 of the Indian Penal Code (hereafter 'IPC' for short), under Section 12 of Passport Act and under Sections 14(a), 14(b) of Foreigners Act, 1967 registered on 04.10.2022 vide C.R. No.672 of 2022 with Sahar Police Station, Mumbai.
- 3.** The applicant was arrested on 04.10.2022 by Sahar Police Station on the complaint of Immigration Officer who

had doubt that the applicant is a Bangladeshi National and has obtained the Indian Passport by submitting forged documents.

4. It is the contention of learned counsel for the applicant that the applicant is an Indian citizen and in fact his permanent address in Kolkata. It is submitted that the applicant has property in Kolkata and his son's date of birth is 02.07.2009. His son is taking education in St. Stephen's School at Dum Dum, Kolkata.

5. Learned APP apart from opposing the application for bail submitted that the applicant is not likely to attend the trial considering the nature of accusations and as the applicant is a Bangladeshi National.

6. Learned counsel for the applicant submitted that and as indicated earlier, the applicant has property in Kolkata and is a permanent resident of Kolkata.

7. The passport on the basis of which the offence is registered is seized. The applicant was arrested on 04.10.2022. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents

reported against the applicant. The trial is likely to take a long time to conclude.

8. In the facts and circumstances of the present case, the applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Arup Guha s/o Tapash Guha in connection with C.R. No.672 of 2022 registered with Sahar Police Station, Mumbai shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more solvent sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Sahar Police Station, Mumbai once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) 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.

(e) 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.

(f) The applicant shall attend the trial regularly.

(g) The applicant shall not leave the State of Maharashtra without the permission of the trial Court.

(h) Needless to mention, if it is the case that the applicant is not an Indian Citizen, it is open for the authorities to take steps for deportation of the applicant in accordance with law.

9. The application is disposed of.

(M. S. KARNIK, J.)