



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.249 OF 2024**

Rafikuddin Tafajjul Hussain

... Applicant

versus

State of Maharashtra

... Respondent

Mr. Mohammed Ahmed, for Applicant.

Mr. S.R.Aagarkar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 18 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant who is arraigned in C.R.No.24 of 2023 registered with Nehru Nagar Police Station for the offences punishable under Sections 3 read with Section 6 of the Passport (Entry into India) Act, 1920 and Section 3(1) read with Section 14 of the Foreigners Orders, 1948, Rule 3(a) of the Passport (Entry into India) Rules, 1950, has preferred this application to enlarge him on bail.
3. The applicant is alleged to be a Bangladeshi national. He had illegally entered into India and has been residing in Mumbai unauthorizedly.
4. Learned Counsel for the Applicant submitted that the applicant was arrested on 11 July 2023. There are no antecedents. The applicant has been residing in Mumbai since many years. The applicant is willing to abide by the terms and conditions which may be imposed by the Court.

5. Learned APP resisted the application. It was submitted that if released on bail, the applicant may abscond and would thus be not available for trial.

6. Having regard to the nature of the accusation, it is evident that the investigation is complete and charge sheet has been lodged. Major offence entails punishment which may extend to five years. Further detention of the applicant is unwarranted. The authorities, if warranted, can resort to the proceedings to deport the applicant to his country. However, further detention of the applicant does not seem to be warranted. I am, therefore, impelled to exercise discretion in favour of the applicant.

7. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Rafikuddin Tafajjul Hussain be released on bail in C.R.No.24 of 2023 registered with Nehru Nagar Police Station, on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the Trial Court.

(iii) The applicant shall mark his presence before the concerned police station on first Monday of every month in between 11 am to 1 pm till framing of charge or conclusion of the trial whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. 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.

(v) 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.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)