



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1034 OF 2024**

Ritika Raghunath Mandal
versus
The State of Maharashtra

... Applicant
... Respondent

Mr. Shriganesh Sawalkar with Ms. Punam Karande, Ms. Manjiree Dhuri, Mr. Kunal Aher, Ms. Gayatri Yadav, Ms. Ashwini Ghadge, for Applicant.
Mr. S.R.Agarkar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 12 MARCH 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant who is arraigned in C.R.No.380 of 2023 registered with Mahatma Phule Chowk Police Station, Thane, for the offence punishable under Section 3 of Passport (Entry into India) Rules, 1950, Section 14 of the Foreigners' Act, 1946, para 3(1) of Foreigners' Order, 1948 and para 2 of Foreigners (Report to Police) Order, 1971 and Sections 420, 465, 466, 468, 471 read with Section 34 of the Indian Penal Code, 1860, has preferred this application to enlarge him on bail.
3. On 15 July 2023 an intimation was received at Mahatma Phule Chowk Police Station that few persons with bags were to come near Rikshaw stop in front of Bus Stand, Kalyan (East). They were suspected to be Bangladeshi nationals. The police accosted them. They were brought to police station. During the course of

interrogation, it transpired that all five persons were Bangladeshi nationals. They had no valid travel documents. The applicant was one of those persons. The applicant and the co-accused had illegally entered into India. It is alleged, the applicant and the co-accused had prepared forged and fabricated documents to conceal their identity as Bangladeshi nationals.

4. Learned Counsel for the applicant submitted that the applicant has been falsely roped in. The applicant had requisite documents. In any event, investigation is complete and chargesheet has been lodged. Since the applicant is a woman, further detention of the applicant as an under-trial prisoner is not warranted.

5. Learned APP resisted the prayer for bail. It was submitted that the co-accused have named the applicant along with Farid Ahmed and Aamir Hussain as the persons who helped them in entering into India from Bangladesh. Therefore, the applicant does not deserve to be enlarged on bail.

6. I have perused the report under Section 173 of the Code and the documents annexed with it. Investigation seems to be practically complete. The offences revolve around the documents. All the documents which were allegedly found in possession of the applicant and the co-accused have been seized. The applicant is a woman. She has been in custody since 16 July 2023. It is unlikely that the trial can be completed within a reasonable period. It does not appear that there are any antecedents.

7. I am, therefore, inclined to exercise the discretion in favour of the applicant, subject to stringent conditions.

8. Hence, the following order :

ORDER

(i) The application stands allowed.

(ii) The applicant - Ritika Raghunath Mandal be released on bail in C.R. No.380 of 2023 registered with Mahatma Phule Chowk Police Station, Thane on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount, to the satisfaction of the learned Magistrate.

(iii) The applicant shall mark her presence at Mahatma Phule Chowk Police Station on the first Monday of every alternate month in between 11 am to 1 pm till conclusion of the trial.

(iv) The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

(v) The applicant shall furnish her 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.)