

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3557 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Ranjit Debnath s/o Arun Debnath ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Banel Singh, a/w Janaini Singh, for the Applicant.
Mr. S. R. Aagarkar, APP for the State/Respondent.
API Kiran Koli, Sahar Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 6th FEBRUARY, 2024

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. The applicant is arraigned in CR No.748 of 2022 registered with Sahar Police Station, Mumbai, for the offences punishable under Sections 465, 468, 471 and 420 of the Indian Penal Code, 1860 ("the Penal Code") and Section 12 of the Passports Act, 1967 and Section 14-A and 14-B of the Foreigners Act, 1946.
3. The indictment against the applicant is that the applicant is a Bangladeshi national. The applicant has illegally entered into India. The applicant has obtained the Indian Passport by fraudulent means. The applicant was

apprehended while he was about to travel to Muscat (Oman) on 30th November, 2022 on the strength of false and fabricated documents.

4. The learned Counsel for the applicant submitted that apart from the Indian Passport, the applicant has a number of documents which establish that the applicant is an Indian citizen. Attention of the Court was invited to a communication dated 5th January, 2023 addressed to the Superintendent of Police, Nadia District, Krishnanagar, West Bengal, seeking the verification of the documents, which were allegedly recovered from the possession of the applicant.

5. When the matter was listed before the Court on 25th January, 2024, the learned APP sought time to take instructions as regards the verification of the documents, which were sent to the competent authorities. The learned APP today tenders a copy of the communication addressed by the Court of Additional Chief Metropolitan Magistrate, Mumbai, to Sahar Police Station, directing the police to verify the documents.

6. The learned Counsel for the applicant submitted that the applicant has relied upon those documents to substantiate his claim that he is an Indian citizen. The

learned Counsel for the applicant further submitted that in view of the amendment brought about by the Citizenship (Amendment) Act, 2019, the applicant is even otherwise entitled to conferment of Indian citizenship.

7. *Prima facie* it appears that the applicant holds an Indian passport. Whether the said passport is a forged and fabricated document and has been obtained by the applicant by fraudulent means, is a matter still under investigation. It appears that the concerned authorities have been requested to verify the genuineness of the same, in the month of January, 2023. *Prima facie* there are documents which lend support to the claim of the applicant. The applicant is in custody for more than a year.

8. In the circumstances, the applicant deserves to be released on bail.

9. Hence the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) The applicant be released on bail in CR No.748 of 2022 registered with Sahar Police Station, Mumbai, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.
- (iii) The applicant shall mark his presence at Sahar Police Station on the first Monday of every alternate month

between 10.00 am. to 12.00 noon for a period of two years or till 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) Subject to the process of deportation, which the authorities may resort to in accordance with law, the applicant shall not leave India without prior permission of the jurisdictional Magistrate.
- (vii) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (viii) 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 stands disposed.

[N. J. JAMADAR, J.]