

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2969 OF 2023

Abdul Aziz Abdul Hamid Shaikh .. Applicant

Versus

State of Maharashtra .. Respondent

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None for the Applicant.

Smt. K.T. Hiwrale, APP for the Respondent-State.

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CORAM: BHARATI DANGRE, J.
DATED : 23rd APRIL, 2024

P.C:-

1. None for the applicant. Heard the learned APP for the State.

2. The applicant is charged for committing an offence punishable under Section 6 read with Rule 3 Passport (Entry into India) Rules 1950 and under Section 3(1) of Foreigners Order 1946 and read with Section 14 of the Foreigners Act registered with S.B. CID-1 Branch Police Station, Mumbai

vide C.R. No. 14 of 2022.

The complaint is filed by one Ulhas Ashok More alleging that he has received a secret information that one Bangladeshi person is residing in Mazgaon area and thereupon the applicant was apprehended and since he was unable to show any documents as regards establishing his Indian Nationality and since he could not give satisfactory answers, he came to be arrested in C.R. No. 14 of 2022 for the accusation under the aforesaid provisions.

On completion of investigation, the charge-sheet is filed and even proceedings are being initiated against him by the Deputy Commissioner of Police by issuing show cause notice by asking him to produce documents to establish his nationality status or else he would be concluded to be a Bangladeshi National liable for deportation under the provisions of clause (c) of subsection (2) of section 3 of the Foreigners Act 1946.

3 The learned APP is not able to throw any light upon the progress of the proceedings.

In any case, since it is the case of the applicant that

he is an original resident of State of West Bengal and he is residing since last 15 years in Mumbai, in the absence of even the complainant establishing, that the Applicant is a Bangladeshi National, he cannot be further incarcerated as no useful purpose will be served, upon the investigation having been completed.

4. For these aforesaid reasons, the applicant deserves to be released on bail subject to following conditions:

: ORDER :

- (a) Application is allowed.
- (b) Applicant Abdul Aziz Abdul Hamid Shaikh shall be released on bail in connection with C.R.No. 14 of 2022 registered with S.B. CID-1 Branch Police Station, Mumbaion furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall mark his attendance before the concerned police station on first Monday of every Month between 5 p.m. to 6 p.m. till framing of charge and, thereafter, shall abide by the

directions issued by the trial Court.

(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.

(SMT. BHARATI DANGRE, J.)