

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3777 OF 2023

Ayat Khalil Multani ...Applicant

vs.

The State of Maharashtra ...Respondent

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PAREKAR

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Mr. Shriganesh Sawalkar a/w. Ms. Poonam Karande, Ms. Manjiri Dhuri a/w. Ms. Aishwarya Dorwekar, Ms. Mumtaz Mulla and Mr. Kunal Aher, for the Applicant.

Mr. S.R. Agarkar, APP, for the Respondent/State.

Mr. Suresh Kharat, API, Panvel City police station.

CORAM : N. J. JAMADAR, J.

DATE : JANUARY 30, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant who is arraigned in C.R. No. 239 of 2023 registered with Panvel City police station for the offences punishable under sections 420, 464, 466, 467, 468, 470, 471 read with 34 of Indian Penal Code, 1860 and sections 3(a) and 6(a) of the Indian Passports Act, 1967 and section 14A of Foreigners Act, 1946 seeks to be enlarged on bail.

3. The gravamen of indictment against the applicant is that the applicant, though being a Bangladeshi national, had fraudulently

obtained the documents like Birth certificate and Aadhar card, falsely claiming that she was an Indian national and had applied for Indian passport. During the course of the police verification, it transpired that the documents relied upon by the applicant were forged.

4. Mr. Savalkar, the learned counsel for the applicant submitted that the applicant has been residing in India since her birth. The applicant is in custody since 8th April, 2023. Investigation is complete. Further custodial detention of the applicant is not warranted.

5. The learned APP stoutly resisted the prayer for bail. It was submitted that the applicant had initially obtained false Birth certificate and on the strength of false Birth certificate, the Aadhar card came to be obtained. If the applicant is released on bail, it is unlikely that her presence could be secured for the trial.

6. Perused the report under section 173 of the Code of Criminal Procedure and the documents annexed with it. Evidently, the offence revolves around the documents. Allegedly forged documents have been seized. Investigation seems to be practically complete.

The applicant is in custody since 8th April, 2023. The applicants is a woman. It is unlikely that the trial can be completed within a reasonable period.

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

Hence, the following order.

ORDER

1] The application stands allowed.

2] The applicant be released on bail in C.R. No. 239 of 2023 registered with Panvel City police station, 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.

3] The applicant shall mark her presence at Panvel City police station on the first Monday of every alternate month in between 11 am to 1 pm till conclusion of the trial.

4] 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.

5] 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.

6] The applicant shall regularly attend the proceedings before the jurisdictional Court.

7] 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.)