

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.953 OF 2024

Francis Agnelo Da Silva Applicant

versus

State of Maharashtra Respondent

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- Ms. Shraddha Vavhal, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.17/2024, dated 05/01/2024, registered with Azad Maidan Police Station, Mumbai, under sections 419, 420, 465, 467, 468, 471 of the Indian Penal Code.

2. Heard Ms. Shraddha Vavhal, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

3. The gist of the FIR is that the Applicant had obtained Indian Passport based on forged birth certificate. His place of

birth is Dar Es Salaam, Tanzania. However, he had submitted a birth certificate issued by the authorities in Goa. It is alleged that after this fact came to the knowledge of the authorities, his Indian Passport was cancelled. The allegations are that he had travelled to foreign countries using those Indian Passports. After this came to light, his Indian Passport was cancelled in the year 2018. Thereafter, he obtained passport from Tanzania and applied for getting Indian Visa. His application was verified by the office of FRRO and all these allegations came to the light. Therefore, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant himself had made an application to the authorities in Goa pointing out that his place of birth is Tanzania and not Goa. She submitted that the Applicant's birth was in the year 1959 and he had obtained the Indian Passport in the year 1980. At that time, he was hardly 20 years of age. His father had passed away in the year 1978. But he is not in a position to remember as to which documents were submitted for getting the Indian Passport in 1980. She submitted that the Applicant had no

intention to commit any offence, otherwise he himself would not have made application to the authorities to correct their record to show his correct place of birth.

5. Learned APP submitted that the investigation is still going on. At this stage, the Applicant can be directed to attend the investigating agency's office and to explain as to how he had obtained the Indian Passport.

6. Considering these submissions, for the time being the Applicant can be protected vide an order of ad-interim relief with directions to the Applicant to cooperate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.17/2024, dated 05/01/2024, registered with Azad Maidan Police Station, Mumbai, till the next date, the Applicant is directed to be

released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station from 24/04/2024 to 26/04/2024 between 01.00 p.m. to 05.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- (iii) This order shall operate till 06/05/2024.
- (iv) Stand over to 06/05/2024.

(SARANG V. KOTWAL, J.)