

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

ANTICIPATORY BAIL APPLICATION NO. 953 OF 2024

Francis Agnelo Da Silva

..Applicant

Versus

The State of Maharashtra

..Respondent

Ms. Shraddha Vavhal for Applicant.

Smt. M. R. Tidke, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 2 AUGUST 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.17 of 2024 registered at Azad Maidan Police Station, Mumbai, on 05.01.2024, under sections 419, 420, 465, 467, 468 and 471 of the Indian Penal Code.

2. Heard Ms. Shraddha Vavhal, learned counsel for the applicant and Smt. Tidke, learned APP for the State.

3. The F.I.R. is lodged by one police constable Dattaram Korgavkar, working with the Registration office, Special Branch-2, CID, Mumbai. The allegations in the F.I.R. are that the applicant

was a foreign national. He was a citizen of Tanzania. On 09.05.2023, he made an application for obtaining VISA on E-FRRO portal. He had submitted the copies of his passport issued by Tanzania, as well as, his impounded Indian passport which was renewed at Muscat in the past; and it was cancelled by the Indian Authorities on 12.04.2023. The enquiries were made by the authorities and it was revealed that, there were Birth certificates from Tanzania and Goa. The registration of birth in Goa was on 11.05.1990. That registration was subsequently cancelled. The applicant had made an application for changing the place of birth mentioned in the Indian passport. When the applicant had made that application, his Indian Passport was cancelled because he was found to be citizen of Tanzania. After that, the applicant had obtained the Passport from Tanzania and had made an application for obtaining Indian VISA. After that, this enquiry was conducted. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the applicant himself had made an application to the Indian authorities in Goa pointing out that his place of Birth is in

Tanzania and not in 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 was 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 an application to the authorities to correct their record to show his correct place of birth. She further submitted that the registration of his birth recorded in the year 1990 at Goa was never used for any purpose and subsequently it was cancelled at the instance of the present applicant himself. It was cancelled in the year 2023, pursuant to the application made by the applicant on 06.06.2023.

5. Based on these submissions, on the previous occasion i.e. on 08.04.2024, I had protected the applicant by way of ad-interim relief. I had directed the applicant to attend the concerned police station from 24.04.2024 to 26.04.2024, and to co-operate with the investigation.

6. Learned APP, on instructions, states that the applicant has attended the concerned police station and he has fully co-operated with the investigation. He has submitted necessary documents, as well. Learned APP makes a statements on instructions that, considering that all the necessary documents are with the police and since the applicant has co-operated with the investigation, and also since the applicant has not used the birth record from Goa, the investigating agency does not want to arrest the applicant for the purpose of investigation. The statement is recorded and accepted.

7. In this view of the matter, the applicant can be protected by an order U/s.438 of the Cr.p.c., 1973.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.17 of 2024 registered at Azad Maidan Police Station, Mumbai, the applicant is directed to be released on bail on his executing P. R. 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 as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)