

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3849 of 2024

ORDER:

This Criminal Petition is filed by the petitioners - A5 and A6 under Sections 437 and 439 of Code of Criminal Procedure for grant of bail in Crime No.41 of 2024 of Khammam III Town Police Station, Khammam District, registered for the offences punishable under Sections 420, 467, 468 and 471 of IPC and Section 3 of the Passport (Entry into India) Act, 1920, Section 12 of the Passports Act, 1967, and Section 3(2)(c) read with Section 14(A) of the Foreigners Act.

2. The case of the prosecution, in brief, was that on 03.02.2024, at 21:00 hours, the Sub Inspector of Police, Khammam I Town Police Station, lodged a report stating that on the instructions of his superiors while the 'Operation Smile' programme was organized in Khammam Town along with Women and Child Welfare Department, DCPU, Child Line, NGO, Police, the team had identified and rescued five minor children on 27.01.2024. On their enquiry, the five children revealed that they belonged to Bangladesh and were presently residing with their parents in Srinivasa Nagar, Khammam. Accordingly, the date of birth certificates of minor children were collected and on 03.02.2024 at about 18:00 hours, the four suspected Bangladesh Nationals were apprehended

at Prakash Nagar, Khammam. On their enquiry, they revealed that they were native of Dakatiya Village, Gurdha Post, Maheshpur Sub District, Jhenaidah District, Shyamkur Union Parishad, Bangladesh and they came to Khammam several years ago for their livelihood. A1 to A4 were arrested on 04.02.2024. They were also taken for police custody from 14.02.2024 to 16.02.2024. During interrogation, they confessed that their elder sister Mohammad Shaguri Khatun @ Boda Shilpa (A5) had come to Khammam Town from Bangladesh and had married a person belonging to Khammam by name Boda Ramulu. She left her husband due to disputes and joined with Shaik Ramzon (A6), centering worker, who illegally entered into India from Bangladesh and residing with him at Jalagam Nagar, Khammam Rural and their elder sister also provided false and forged information and obtained Aadhar cards, Voter ID cards to Shaik Ramzon and played a key role for their illegal entry into India. Through her, they also applied for Aadhar cards, Voter IDs, PAN cards and Indian Passports. A5 and A6 were arrested on 17.02.2024.

3. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor for the respondent - State.

4. Learned counsel for the petitioners submitted that the petitioners - A5 and A6 migrated to India and were residing in Khammam District. A5 was married to one Boda Ramulu and was having three children by name Boda Sachin

(18 years), Boda Goutham (16 years) and Boda Mahesh (13 years) and was leading life by working as coolie. A6 came to India seven years back and was residing in Khammam District by doing centering work. The petitioners had obtained Aadhar card, Voter ID card and PAN card by duly following the procedure. There were no criminal antecedents reported against the petitioners. They were in jail for the past 54 days and prayed for grant of bail to the petitioners - A5 and A6.

5. Learned Assistant Public Prosecutor opposed grant of bail to the petitioners stating that the petitioners obtained Aadhar cards by using false information and were living as Indian Nationals by hiding their identity as Bangladesh Nationals and settled in India without obtaining any valid permission from the Indian Government. The petitioner No.1- A5 also brought her brothers to India and provided false information to UIDAI Authorities and also helped her brothers in securing their Aadhar cards by furnishing her address proof. A1 and A2 also obtained PAN cards, Voter ID cards and A2 also obtained Indian Passport with the above proofs and prayed to dismiss the bail application of the petitioners.

6. Perused the record.

7. Considering that the petitioner No.1 - A5 migrated to India long back and married a person belonging to Khammam and also had three children with him.

Later, due to some disputes residing away from him and was living with A6 in Khammam Town itself and no criminal antecedents were reported against her or against the petitioner No.2 - A6 and the petitioner No.2 - A6 had also migrated from Bangladesh and was residing in Khammam Town since 2016 and were staying peacefully and the other accused persons involved in the present case, A1 and A2 were also granted bail by this Court vide Criminal Petition No.2887 of 2024 dated 19.03.2024 and the petitioners also stand on the same footing as that of the above accused, it is considered fit to enlarge the petitioners - A5 and A6 on bail during the trial.

8. In the result, the Criminal Petition is allowed and the petitioners - A5 and A6 shall be released on bail subject to the following conditions:

- (i) The petitioners - A5 and A6 shall execute a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of the III Additional Judicial First Class Magistrate at Khammam, Khammam District.
- (ii) The petitioners - A5 and A6 shall not involve in any illegal activities during the pendency of the trial and if any complaints were reported against them, the bail granted to them is liable to be cancelled.
- (iii) The petitioners - A5 and A6 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

(iv) The petitioners - A5 and A6 shall appear before the Investigating Officer as and when their presence is required.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Date: 10th April, 2024
Nsk.

Dr. G.RADHA RANI, J