

AGK

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

BAIL APPLICATION NO.1468 OF 2025

Amina Akhtar Alias Rani

Shozib Shaikh

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Vaibhav V. Ugle for the applicant.

Mrs. Kranti T. Hiwrale, APP for the respondent-State.

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CORAM : AMIT BORKAR, J.**DATED : SEPTEMBER 15, 2025****P.C.:**

1. The present bail application is filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in connection with Crime Register No.392 of 2024 registered with Taloja Police Station for offences punishable under Sections 6(A) and 3(A) of the Passport Act and Section 14(A) of the Foreigners Act.

2. As per the prosecution case, the applicant has entered the territory of India without lawful authority. It is alleged that the applicant is a citizen of Bangladesh who entered India using forged documents and is staying without valid permission. The applicant was arrested on 23 October 2024 and has been in judicial custody since 25 October 2024.

3. Learned Advocate appearing for the applicant has drawn attention to the order of the learned Additional Sessions Judge releasing two other accused in the same First Information Report. He submits that the applicant has undergone incarceration of more than eleven months. The charges are yet to be framed. The trial is not likely to conclude in the near future. He further submits that the presence of the applicant during trial can be secured by imposing a condition of furnishing local surety. On these grounds, he prays for release of the applicant on regular bail.

4. On the other hand, the learned APP has opposed the application. It is submitted that since the applicant is not a citizen of India, in the event of release, there is every likelihood that she may abscond and may not be available for trial. Hence, it is contended that the application deserves to be rejected.

5. I have considered the submissions. The record shows that the applicant is in custody for more than eleven months. The trial has not commenced and charges are yet to be framed. The trial is likely to take considerable time for completion. The right to speedy trial is a fundamental right guaranteed under Article 21 of the Constitution of India. Prolonged incarceration without progress in trial would amount to violation of that right.

6. Further, it is seen that two co-accused in the same offence have already been released on bail. On the principle of parity, the applicant cannot be denied similar relief. The apprehension of the prosecution regarding the possibility of the applicant absconding can be addressed by directing the applicant to furnish local surety

and by imposing suitable conditions.

7. In these circumstances, I am of the view that continued detention of the applicant is not justified. The applicant deserves to be released on bail with appropriate conditions to secure her presence during trial.

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant shall be released on regular bail in Crime Register No.392 of 2024 registered with Taloja Police Station for offences punishable under Sections 6(A), 3(A) of the Passport Act and Section 14(A) of the Foreigners Act, on executing a Personal Bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with one local surety of the like amount to the satisfaction of the Trial Court.
- (iii) The applicant shall attend the trial regularly and shall not leave the jurisdiction of the Trial Court without prior permission.
- (iv) The applicant shall furnish her residential address to the Investigating Officer and the Trial Court and shall not change the same without permission of the Court.
- (v) The applicant shall not tamper with the prosecution evidence or influence witnesses.
- (vi) In case of breach of any condition, the prosecution is at liberty to move for cancellation of bail.

8. The Bail Application stands disposed of accordingly.

(AMIT BORKAR, J.)