

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1931 OF 2025

Mohammed Rafiqul Islam Niyamatali Mandal .. Applicant

Versus

State of Maharashtra .. Respondent

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- Ms. Anima Mishra a/w Mr. Anuj Singh i/by Dhaara Legal, Advocates for Applicant.
 - Mr. Balraj B. Kulkarni, APP for State.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2025

P. C.:

1. Heard Ms.Mishra, learned Advocate for Applicant and Mr. Kulkarni, learned APP for State.

2. Applicant in the present case is a 70 year old man. His claim is that he was born and brought up in West Bengal, India. He arrived in Mumbai in 2016 and has been working as a Tailor. He has been arrested on 05.02.2025 on the allegation that he is a Bangladeshi citizen and is overstaying in India without authorization.

3. Learned Advocate for Applicant has drawn my attention to a Government of India document namely passport issued by the State of West Bengal in the year 1982 in favour of Applicant. Case of Applicant is that he has always been a native of West of Bengal having been born and brought up over there. Additional documents

establishing identity and veracity of his origin and residence in India is appended at page No.89 of the Application which is by the local statutory authority certifying that Applicant is a permanent resident of a particular village in West Bengal. She would submit that substantial documents are placed on record to corroborate the case of Applicant despite which Applicant is arrested and bail is denied to him by the trial Court.

4. Learned Advocate for Applicant is directed to serve a copy of the present Bail Application on the Respondent – State to enable them to take appropriate instructions.

5. Learned Prosecutor shall ascertain the veracity of submissions made by learned Advocate for Applicant and take precise instructions on the documents which are appended to the Application. Fact relating to stay of Applicant on the basis of documentary evidence placed on record be ascertained by prosecution and Court be apprised on the next adjourned date especially because Applicant is 70 years old and therefore his case needs to be considered expeditiously.

6. At the outset, learned Advocate for Applicant seeks leave of the Court to append copy of the bail order passed by the learned Sessions court in the case of Applicant because when the Application was filed the copy was not uploaded. Leave to amend is granted.

Amendment is permitted to be carried out within a period of 1 week from today. Re-verification stands dispensed with. Registry is directed to allow Advocate for Applicant to amend the Application and annex the copy of bail order.

7. Stand over to **15th July, 2025.**

8. However, at the request made by learned Advocate for Applicant, Applicant is at liberty to move the Vacation Court, if so desired, after giving advance notice to the prosecution.