

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2730 OF 2025

Bayadabai Alias Badi Didi Amar Lakhapati ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Sagar R. Sonawane h/f Mr. Umesh Hanmantrao Pawar, learned Advocate for the Applicant.

Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th JULY 2025.

P.C. :

1. Heard Mr. Sagar Sonawane, learned Advocate for the Applicant and Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**" for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 74 of 2025 registered with Barshi City Police Station, Solapur Rural for the offences punishable under Sections 3(a) and 6(a) of the Passport (Entry into India) Rule, 1950, Section 3(1) of the Foreigners Order, 1948, Section 14 of the Foreign Citizens Act and Sections 318(4), 336(3), 338 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. There are 10 accused persons in the present crime. Applicant is arrayed as Accused No. 10.
4. Applicant was arrested on 21st January 2025 and since then he is in jail. Criminal Bail Application No. 297 of 2025 in RCC No. 141 of 2025 filed by the Applicant was rejected by the learned Additional Sessions Judge, Barshi on 25th June 2025.
5. Case of the prosecution is that Accused Nos. 1 to 6 in the present crime have entered territory of India without authorization. Applicant and other accused persons in the present crime are alleged to have harboured the said Accused Nos. 1 to 6, fully knowing that they are not Indian citizens.
6. Mr. Sagar Sonawane, learned Advocate for the Applicant submits that the charge-sheet does not refer to the Applicant or make any allegation against the Applicant. He submits that the Applicant is apparently arrayed as an accused on the basis of statements made by Accused Nos. 3 and 4. He reiterates that there is no material on record to connect the Applicant in the present crime. He therefore prays for grant of bail to the Applicant.
7. Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent fairly submits that the allegation against the Applicant is that the Applicant has helped Accused Nos. 1 to 6 to reside in the country.
8. I have perused the records with the assistance of learned Advocates of the parties.

9. Mr. Sagar Sonawane, learned Advocate is right in his submission that the charge-sheet does not contain any allegation against the Applicant. Material on record, does not show the complicity of Applicant in the present crime. *Prima facie* the material on record does not support the prosecution case against the Applicant. In such circumstances, incarceration of the Applicant pending the trial, is not warranted. Hence, the Applicant is entitled for bail.

10. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 74 of 2025 registered with Barshi City Police Station, Solapur Rural for the offences punishable under Sections 3(a) and 6(a) of the Passport (Entry into India) Rule, 1950, Section 3(1) of the Foreigners Order, 1948, Section 14 of the Foreign Citizens Act and Sections 318(4), 336(3), 338 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 on executing P.R. Bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Barshi.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade him from disclosing such facts to the Court or to any police officer.

- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of RCC No. 141 of 2025 pending on the file of Additional Sessions Judge, Barshi, on each and every date, unless exempted from appearance.
- e. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Barshi City Police Station, Solapur Rural and shall keep the same updated, in case of any change thereto.

11. Criminal Bail Application No. 2730 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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