

AGK

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

BAIL APPLICATION NO.3175 OF 2025

Rabiul Shariful Mulla @ Shaikh	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Ms. Sana Shaikh with Ms. Sunanda Shinde, Ms. Nisha Lakariya, Mr. Vipul Ghate, Ms. Maya Updeshi and Ms. Ruha Shaikh for the applicant.

Mr. Sagar R. Agarkar, APP for the respondent-State.

Mr. M.D. Shirke, PSI, Kharghar Police Station, Navi Mumbai, is present.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 30, 2025

P.C.:

1. The present bail application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on regular bail in connection with Crime Register No.441 of 2024 registered with Kharghar Police Station. The applicant is charged for offences punishable under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, Section 3A and Section 6A of the Passport Act, 1950, and Section 14A of the Foreigners Act.

2. As per the prosecution case, upon receipt of information from an informant, a search operation was conducted in Kainhaiya Gopal Society, Sector-20. With the assistance of the watchman, the

police came to know that in Flat No. B-203, a Bangladeshi national was residing. The informant further informed that on making inquiry with the applicant, he stated that they were engaged in fish selling and labour work. On further questioning, they admitted that their visa had expired and yet they were residing illegally in India. They also disclosed that they had lost their passports. It is further alleged that by changing their names, they procured duplicate Aadhaar and PAN cards. The informant was then instructed to approach Kamote Police Station.

3. Acting upon this information, a raid was conducted at MGM Hospital, Kamote, backside ground, Bethiya Chawl, where certain Bangladeshi nationals were found. On inquiry with the applicant regarding his name, native place, and proof of citizenship, he gave evasive answers, stating only that he had come to Mumbai for work. His replies led the police to suspect that he was a Bangladeshi national. A panchnama was prepared and the applicant was taken into custody. Accordingly, the present FIR came to be registered.

4. Learned counsel for the applicant invited attention to the order passed by the Sessions Court releasing the co-accused, who is the father of the applicant, on bail. It is submitted that the applicant was arrested on 12 December 2024. Considering the nature of punishment prescribed for the alleged offences, and in view of the fact that the co-accused father has already been released on bail, it is argued that the applicant also deserves to be released on regular bail.

5. On the other hand, the learned APP opposed the application. It is contended that the applicant entered India on a medical visa, while his father entered on a tourist visa. Both have overstayed. There is a possibility that they may have committed further offences. It is also argued that, since they have no permanent residence in India, there is a likelihood that they may not be available for trial. Considering these factors, the prosecution prays for rejection of the present bail application.

6. I have considered the rival submissions and perused the record. The prosecution alleges that the applicant and his father are Bangladeshi nationals who entered India on visas and overstayed beyond the permitted period. It is also alleged that they procured duplicate Aadhaar and PAN cards by changing their names. The father of the applicant, who stands on similar footing, has already been granted bail by the Sessions Court.

7. The applicant has been in custody since 12 December 2024. The offences alleged, though serious, are punishable with limited term of imprisonment. The investigation is almost complete and the material evidence appears to have been collected. At this stage, continued detention of the applicant is not necessary for further investigation.

8. The apprehension of the prosecution that the applicant may abscond can be addressed by imposing strict conditions, including furnishing of local sureties, marking attendance before the investigating officer, and surrendering of travel documents. These conditions will sufficiently safeguard the prosecution's interest and

secure the presence of the applicant during trial.

9. In view of the above, I find that the applicant deserves to be released on bail, particularly since the co-accused father has already been enlarged on bail.

10. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.441 of 2024 registered with Kharghar Police Station for offences punishable under Section 483 of the BNSS, 2023 (“BNSS” for short) and under Sections 3A and 6A of the Passport Act, 1950 and under Section 14A of the Foreigners Act, upon furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more sureties in the like amount to the satisfaction of the Trial Court, subject to following conditions:
 - (a) The applicant shall report to the Kharghar Police Station twice a month, specifically on the 1st and 15th day of each month, between 10:00 a.m. and 12:00 noon, until further orders
 - (b) The applicant shall assist the Investigating Officer whenever called under written intimation.
 - (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusations against him so as to dissuade them from disclosing such facts to the Court or to

any police officer.

(d) The applicant shall not tamper prosecution evidence in any manner.

11. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)