

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3937 of 2025**

1. Anjar Allai Shaikh
2. Runa Anjar Shaikh ...Applicants
Versus
State of Maharashtra ...Respondent

Ms. Priyanka Chavan, *with Sirat N Khan, for the Applicants.*
Ms. Anamika Malhotra, *APP for the State-Respondent.*
Mr. Raju Ashok Chavan, *attached to Sakinaka Police Station present.*

CORAM Dr. Neela Gokhale, J.
DATED: 14th October 2025

PC:-

1. The Applicants seek their release on bail in connection with FIR No. 426 of 2025 dated 19th May 2025 registered with the Sakinaka Police Station, Brihanmumbai City, for the offences punishable under Sections 336, 337, 339, 340, 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') along with Section 6 of the Passport (Entry into India) Rules, 1950, Sections 3 and 3(1) of the Foreigners Order, 1948 and Section 14 of the Foreigners Act, 1946.

2. It is the case of the prosecution that the Applicants are not citizens of India; they have obtained forged and fabricated school leaving certificates from the schools in Mumbai and Sangli, respectively and on the basis of these forged certificates, they have been able to procure a passport and PAN Card from the authorities in India. They were arrested on 19th May 2025 and are being prosecuted for the said offences.

3. The Applicants made an application seeking bail before the Additional Sessions Judge, City Civil & Sessions Court, Greater Bombay, however, by order dated 6th August 2025, the said bail application came to be rejected. Hence, they are before this Court, seeking the reliefs as prayed.

4. Ms. Priyanka Chavan, learned counsel appearing for the Applicants, submits that the Applicants have 3 daughters, one of whom is minor. She further submits that the Applicants have also purchased a flat in Belapur, Navi Mumbai for consideration and they are residing there since 2015; the three daughters are living on their own in the said flat; they

do not have any source of income and are not able to even secure their livelihood in the absence of their parents. In these circumstances, she submits that the Applicants be released on bail.

5. Ms. Anamika Malhotra, learned APP representing the State, submits that the trial is almost concluded inasmuch as the statements of the Applicants under Section 313 of the Code of Criminal Procedure, 1973 is to be recorded. Ms. Malhotra, on instructions, submits that the trial is likely to conclude within a period of 15 days, if not less. She further submits that the Applicants have forged the documents and by playing fraud on the Indian Authorities, have procured passports for themselves. Thus, the Applicants are residing in India illegally and therefore, she resists the present Bail Application.

6. I have heard learned counsel for both the parties and perused the record with their assistance.

7. It does appear that the Applicants are illegally residing in India, however, there are 3 daughters including one amongst them, being a minor, left to survive on their own. They are living in a flat purchased by their parents but, at this stage, they do not have any source of livelihood to survive since their parents are in custody. In any event, the trial is likely to conclude within the next fortnight. The daughters, on their own, are vulnerable to be exploited. In these circumstances purely on humanitarian grounds, I am inclined to enlarge the Applicants on bail, but on stringent conditions so as to secure their attendance during the trial.

8. The Applicants are enlarged on bail and it is ordered as under:

ORDER

- i) The Applicants be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- each with one or two local sureties in the like amount;

ii) The Applicants shall attend the Police Station concerned every alternate day between 11:00 a.m. to 02:00 p.m. till the trial is concluded;

iii) The Applicants shall also attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) The Applicants shall not leave India, without the permission of the Trial Court;

v) The Applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicants shall inform their latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court

seized of the matter and to the Investigating Officer of the Police Station concerned;

vii) The Applicants to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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signed by
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