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Crl.O.P.No.13503 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.13503 of 2025

Abdurahaman Sardar @ Asadizaman Dabluv ...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Poolampatty Police Station,
Salem District.

(Crime No.34 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.34 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Shanmugaboopathi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.02.2025, seeking bail



in Crime No.34 of 2025 registered for the offence under Sections 336(3), 337, 340(2) of BNS, 2023 and Section 14A(b) of the Foreigners (Amendment) Act.

2.It is the case of the prosecution that the petitioner, who is the Bangladesh national, had illegally come to India from Bangladesh through West Bengal by creating forged documents; that he had obtained Indian citizenship and was working at Salem. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; and that the petitioner is in custody from 14.02.2025 and hence, further custody of the petitioner is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and confirmed that the petitioner had created forged documents, come to India and obtained Indian citizenship.

5.Heard the learned counsel on either side and perused the materials available on record.



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6.Considering the nature of allegations, period of incarceration and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions. However, since the petitioner is a Bangladesh National, the respondent shall inform the Registration Officer under the Registration of Foreigners Rules, 1992 about this order.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties (one surety must be a blood relative of the petitioner)**, each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate Court, Edappadi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

[g] Since the petitioner is a Bangladesh National, the respondent shall communicate the order of granting bail, to the concerned Registration Officer appointed under Rule 3 of Registration of Foreigners Rules, 1992 as per the decision of the Hon'ble Supreme Court in Frank Vitus vs. Narcotics Control Bureau and others in Crl. Appeal Nos.2814-2815 of 2024 dated 06.01.2025.

29.04.2025

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- 1.The Inspector of Police,
Poolampatty Police Station,
Salem District.
- 2.The District Munsif cum Judicial Magistrate Court, Edappadi.
- 3.The Superintendent of Prison, Central Prison, Salem.
- 4.The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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