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

BAIL APPLICATION NO.3211 OF 2022

Aayesha Siddhika Salim Mulla
alias Kajal Salim Shaikh ..Applicant
VS.
The State of Maharashtra ..Respondent

**WITH
BAIL APPLICATION NO.3216 OF 2022**

Payal Sikandar Shaikh
alias Payal Ashik ..Applicant
VS.
The State of Maharashtra ..Respondent

**WITH
BAIL APPLICATION NO.3217 OF 2022**

Ashif Salim Mulla alias Ashik ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Rajiv Patil, Senior Advocate a/w Ms. Sakshi Mane i/b Mr. Kiran Varma, for Applicant in BA/3211/2022.
Ms. Sakshi Mane i/b Mr. Kiran Varma, for the Applicant in BA/3216/2022 & BA/3217/2022.
Mr. S. V. Gavand, APP for the State.
API-Ms. Swati Kandalkar, ATS Juhu Unit, Mumbai present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 31, 2023

P.C. :

- 1.** Heard learned senior advocate for the applicant in BA/3211/2022 and learned APP.
- 2.** These are the applications for bail in respect of C.R.No. 03 of 2022 dated 17/02/2022 registered with A.T.S. Kalachowki Police Station for the offence punishable under sections 420, 465, 466, 467, 468, 471, 472, 474, 34 of the Indian Penal Code, 1860, under sections 3 and 6 of the Passport (Entry into India) Rules, 1955, under section 14 of the Foreigners Act, 1946 and section 3(1) of Foreigners Order, 1948.
- 3.** The applicant-Aayesha (in BA/3211/2022) along with her brother Ashif (applicant in BA/3217/2022) and sister-in-law Payal (applicant in BA/3216/2022) came to be arrested on 18/02/2022. It is alleged that they are Bangladeshi nationals and they are residing in India on the basis of forged documents.
- 4.** Learned senior advocate invited my attention to the statements of the witnesses by name Mr.Mohan Ramchandra Navghane and that of Rupesh Prabhakar

Choudhary to contend that it is Rupesh who had prepared all forged documents and brought the applicants into India from Bangladesh. In his submission, the applicants are not at all responsible for preparing the forged documents in the nature of school leaving certificate and birth certificate on the basis of the which Indian passport was obtained by the applicant- Aayesha.

5. The applicants are residing in India since the year 2014. Learned APP invited my attention to the supplementary statement dated 13/02/2022 of the applicant's father by name Salim Mulla alias Ashik who has stated that he was helped by one person to cross the border and come into India as he needed a job to financially support his wife who was suffering from a disease. It is the applicant's father who brought the applicant and her mother as well as her brother into India.

6. The record reveals that the applicant-Aayesha and Rupesh were in a relationship. A child was born to the applicant-Aayesha who is 16 months old. The child is with the applicant-Aayesha who is presently lodged in Byculla

Central Women's prison. Learned APP submitted that the applicants are not the Indian nationals and on the basis of the forged passport are staying in India. The passports have been seized. In the present case, the charge-sheets have been filed and the investigation is complete. If the applicants are to be deported, it is for the authorities to take the appropriate steps in accordance with law if the applicants' residence in India is not authorised. However, so far as the present offence is concerned, the investigation is complete and charge-sheet has been filed. The applicant-Aayesha is a woman and has a child who is 16 months old lodged with her in the Byculla Central Women's prison. The trial is likely to take a long time to conclude. There are no criminal antecedents reported against the applicants. Taking an overall view of the matter, the applicants can be released on bail by imposing some stringent conditions. Hence, the following order.

ORDER

- (a) The applications are allowed.
- (b) The applicant in BA/3211/2022-Aayesha

Siddhika Salim Mulla alias Kajal Salim Shaikh, applicant in BA/3216/2022- Payal Sikandar Shaikh alias Payal Ashik and applicant in BA/3217/2022- Ashif Salim Mulla alias Ashik in connection with C.R.No. 03 of 2022 dated 17/02/2022 registered with A.T.S. Kalachowki Police Station shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- each with one or more local sureties in the like amount.

(c) The applicants shall not leave the jurisdiction of Mumbai / Mumbai Suburban district subject to any order passed by the competent authority for deportation.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicants should not tamper with evidence.

(e) On being released on bail, the applicants shall furnish their contact number and permanent residential addresses to the investigating officer of the concerned Police Station and shall keep him updated, if there is any change.

(f) The applicants shall report to the investigating officer once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

7. The applications are disposed of.

(M. S. KARNIK, J.)