

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS
66TH COURT ANDHERI, MUMBAI**

Bail Application No.1095/2025

In

C.R. No.720/2025

State of Maharashtra

Sahar Police Station

...Complainant

v/s.

Mohd. Serajul Mohd.Vaizul Hak

... Accused

ORDER BELOW BAIL APPLICATION

1. The present application has been filed by the accused for releasing him on bail. Say filed by the A.P.P. Heard both the sides. Perused the record.

2. It appears that F.I.R No.720/2025 was registered against the accused under Sections 336(2), 336(3), 318(4), 340 (2) of the B.N.S with Section 12 of the Passport Act at Sahar Police Station. The accused was arrested on 27/06/2025. After the initial period of police custody, he was taken in M.C.R.

3. It is submitted by the A.P.P the investigation is in progress and it would not be proper to release the accused on bail. It is further submitted that it is a practice of this Court that the accused doesn't release on bail until filing of the charge-sheet. Therefore, he requested the Court to reject the bail application.

4. I have noticed that in the same kind of offences, the accused remain in prison until filing of the charge-sheet. It is also an admitted fact that some of the bail applications have been rejected by this Court on the ground that charge-sheet has not been filed or investigation is in progress. However, it is further came to the notice that after filing of the charge-sheet, the prosecution does not oppose to the bail application. Thus, I do not find substance that accused should not be released on bail on the count

of investigation is in progress. Moreover, in such matters, the bail orders have been received from the Hon'ble Session Court and the Hon'ble High Court, despite the fact that charge-sheet was not filed in the case. Further, it is also observed that bail has been granted in such cases to women accused. It is well settled that bail is rule and jail is exception. All the offences levelled against accused are punishable up-to seven years. In short, only because the investigation is in progress, the bail should not be refused and entire account of the case needs to be considered.

5. It is submitted that the accused will remain present in Court for the trial. The accused is ready to furnish surety in that respect. All the offences levelled against the accused are triable by the Court of Judicial Magistrate First Class. The offences of forgery and cheating are levelled against the accused but those are in respect of Passport. It is not a case that the accused committed such an offence for his economic gain. Considering nature of the offences it would not be proper to keep the accused behind the bar. So far as objection raised by the prosecution is concerned, the same could be taken care of by putting appropriate terms and conditions. Needless to mention that observations in this order are limited only for deciding the present application. Hence, I pass the following order.

- 1) The application is allowed.
- 2) The accused shall be released on his execution of P.B. and S.B. in the sum of Rs.25,000/- and in the case of not submitting/ available the P.B & S.B as above, he shall be released provisionally on his payment of cash security Rs.50,000/- .
- 3) The accused shall not leave India without permission of the Court.
- 4) He shall submit a Pursis stating the names and addresses of his two blood relatives.

5) Needless to mention that he shall remain present in the Court on each date.

sd/-

(B.B.Shelke)

Judicial Magistrate First Class,

66th Court, Andheri, Mumbai

I/c. 65th Court, Andheri, Mumbai

Dated : 09/07/2025