

MHRG170006422025



ORDER BELOW EXH. 4 IN SESSIONS CASE NO.52/2025

(Dated : 15/07/2025)

The applicant Tuhen Khaibar Biswas has filed present application for bail under section 483 of the Bhartiya Nagarik Suraksha Sanhita,2023.

2. In short the prosecution case is that, on 12/01/2025 during night patrolling, police constable Sachin Gosavi received an information through secret messenger that some Bangladeshi citizens were residing in village Owe. Thereafter, police under the guidance of Senior Police Inspector Shri Dipak Surve of Kharghar Police Station went to village Owe in search of said Banagladeshi citizens. Police found two male on second floor of the building of one Manoj Patil. On being inquired they disclosed their names as Khairul Kitabali Biswas and Tuhen Khairul Biswas i.e. the present applicant. The police also found another Bangladeshi citizen namely Munna Khan in room No.302 of 'B' Wing of 'Sapphire Building'. During inquiry they admitted that they are Bangladeshi citizens and traveled from Bangladesh to India alongwith their relatives. They also disclosed that they are staying illegally in India without any documents. It is also revealed during inquiry that present applicant and co-accused have prepared bogus Aadhar Card, PAN Card and Election Card to show that they are Indian citizens. As the applicant and co-accused are illegally staying in India, the informant police constable Shri Shrikant Sadanand Mhatre lodged detailed report

with Kharghar police station against applicant and co-accused. On the basis of report so lodged by informant an offence came to be registered against applicant and co-accused vide c.r.No.14/2025 for the offences punishable u/s. 3(a) & 6(a) of Passport (Entry into India) rules 1950 r.w. section 14(A) of Foreigners Act 1946.

3. It is the case of applicant that he has not committed any crime as alleged in FIR. All allegations levelled against him are baseless. Further it is the case of applicant that the investigation is completed and charge-sheet has been filed in the Court. Since, 12/01/2025 he is behind bars. Considering aforesaid circumstances his further detention in jail is not required. Hence, it is prayed that he be enlarged on bail.

4. Heard learned advocate Shri A. A. Chougale for the applicant and learned APP Shri Y. S. Bhopi for the opponent-State. Perused the application, say filed by opponent-state at exh.5 and other material placed on record.

5. Shri Chougale submitted that the applicant is an Indian since his birth. He has been booked in false case out of vengeance. Allegations against applicant are false and baseless and made with sole intention to disrepute him. Shri. Chougale further submitted that the applicant has Aadhar Card, Election Card and Passport to prove that he is a citizen of India. The applicant hails from respectable family having deep root in the society. He has been implicated in the crime in question on the ground of suspicion only. The investigation is completed and charge-sheet has been filed.

Since, 12/01/2025 applicant is behind bars. In such circumstances further detention of applicant in jail is not required. The applicant is ready to abide by the terms and conditions which may be imposed by the Court. Hence, Shri Chougale prayed that the applicant be enlarged on bail.

6. In order to substantiate his submissions Shri. Chougale placed reliance on following judgments.

- 1) Mohd. Imran Abdul Sattar Ali Shaikh Vs. The State of Maharashtra Crim.Bail Application No.2283/2021 decided on 21st October 2021.
- 2) Rakesh Kumar @ Ricky Vs. State of Himachal Pradesh Cr. MP (M) No.1054/2019 decided on 25/06/2019.
- 3) Ayat Khalil Multani Vs. The State of Maharashtra Bail Appln. No.3777/2023 decided on 30th January, 2024.
- 4) Babul Khan & Ors. Vs. State of Karnataka & Ors. CrI. PNo.6578/2019 decided on 19th May, 2020.

7. Per contra, Shri Bhopi, the learned APP argued that the offence is serious. As per the citizenship amendment Act,2019 only birth certificate is the document to prove one's citizenship. The burden is on the applicant to show that he is an Indian citizen. Shri. Bhopi further argued that the applicant is residing in India on the basis of forged documents. Considering the gravity of the crime in question, the applicant is not entitled to be enlarged on bail. Hence, it is prayed by Shri Bhopi that the application be rejected.

8. I have carefully heard the submissions advanced by both

the learned advocates. I have also gone through the material placed on record. It is contended by learned Advocate Shri. Chougale that the applicant is Indian by birth and since his birth he is residing in India. The applicant has placed on record his Aadhar Card, PAN Card and birth certificate. The prosecution has not placed on record any verification report to show that all these documents are forged and the applicant has procured them on the basis of forged documents. The question of applicant's nationality will be decided at the time of trial. The investigation is complete and charge-sheet has been filed. Since 12/01/2025 the applicant is languishing in the jail. Considering the aforesaid aspects and role attributed to applicant, in my view his further detention in jail is not warranted. So far as the apprehension raised by learned APP is concerned the same can be taken care by imposing certain conditions upon the applicant. Resultantly I pass the following order.

ORDER

1. The application is allowed.
2. The applicant Tuhen Khaibar Biswas shall be released on bail in Sessions Case No.52/2025 arising out of Cr.No.14/2025 registered with Kharghar Police Station on his executing PR bond in the sum of Rs.1,00,000/- with two sureties in the like amount to the satisfaction learned Lower Court.
3. The applicant shall mark his presence at Kharghar Police Station on 10th day of every month between 10.00 a.m. & 1.00 p.m. till the conclusion of the trial.
4. The applicant shall furnish his contact number and residential

address to the investigating officer and shall keep him updated, in case there is any change.

5. The applicant shall attend the Court on each date of hearing.
6. The applicant shall not directly or indirectly make any inducement, threat and promise to any person, acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer.
7. Copy of this order be sent to concerned jail authority.
8. Bail before learned Lower Court.

Date :- 15/07/2025.

(S. R. Ugale)
Additional Sessions Judge,
Panvel

CERTIFICATE

I affirm that, the contents of this PD.F file judgment/ order are same, word to word, as per the original Judgment.

Name of Stenographer	--	S. G. Padwal, Stenographer(Grade-3)
Court	--	District Court-1 & Additional Sessions Court, Panvel
Date	--	15/07/2025
Order signed by the Presiding Officer on	--	15/07/2025
Order uploaded on	--	16/07/2025