

MHRG170013972025



Session Case NO.110/2025

The State of Maharashtra
Vs.
Saiful Rashid Kazi And 2

CNR NO. MHRG170013972025

ORDER BELOW EXH.2

1. By this application, the applicant/accused No.2 Sampad Mannan Kazi has prayed for grant of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
2. Learned advocate for the applicant has placed on record written notes of argument at Exh.7 contending that the applicant is not the citizen of Bangladesh, but he is resident of West Bengal. He would submit that he has been falsely implicated in this case and therefore it is prayed for grant of bail.
3. The application has been objected by the prosecution on the ground that at the time of raid, the applicant was found residing at Sai Sun City's Construction Site, Taloja-Panvel and that when he was inquired about his citizenship, it was disclosed that he was citizen of Bangladesh and that the applicant had shown copy of birth certificate showing that his birth has taken place at Bangladesh and therefore the applicant has been arrested and he was brought to the police station. Therefore, he has prayed to reject the application.

4. Upon perusal of the police papers, it is found that prosecution has all along come with the contention that when the applicant was apprehended at that time he was found possessing copy of birth certificate, which states that birth of the applicant has taken place at Bangladesh.
5. In this background unless and until some material is brought on record by the applicant showing that he is the Indian Citizen residing at West Bengal, the bare contention of the applicant cannot be accepted. Thus, I conclude that there is no substance in the plea raised by the applicant.
6. In addition to this, if the applicant being the Bangladesh citizen is released on bail, in that case it would amount to allow the Foreign National to stay in India without valid passport and Visa, which is also unlawful. Thus, I conclude that no case is made out by the applicant for grant of bail. Accordingly application fails. Consequently, I proceed to pass following order.

:: ORDER ::

- 1) The application Exh.2 is hereby rejected.
- 2) Inform to concern Police Station and the applicant through Superintendent of prison.

(Dictated and Pronounced in open Court.)

Place : Panvel.

Date : 06/11/2025

(Dinesh E. Kothalikar)

Additional Sessions Judge, Court No.2,
Panvel, Dist. Raigad.