

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

***CRIMINAL APPELLATE JURISDICTION***

**ANTICIPATORY BAIL APPLICATION NO. 410 OF 2025**

**Salman Mohammed Salim Khan** ..... Applicant

**VERSUS**

**State of Maharashtra** ..... Respondent

Mr. Khatri Mohamed Adil a/w. Ms.Nazeen Khatri for the Applicant.

Ms.Pallavi N. Dabholkar, A.P.P. for the State.

Mr. A. D. Pawar, P.I. Vinoba Bhave Nagar Police Station, Kurla West present.

**CORAM : RAJESH S. PATIL, J.**

**DATE : 26<sup>th</sup> FEBRUARY, 2025**

**P.C. :-**

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0264 dated 3<sup>rd</sup> August, 2024 registered with Vinoba Bhave Police Station, Brihanmumbai Shahar for the offence punishable under Sections 318(4), 336(2), 336(3), 338, 340(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) and 66(d) of the Information Technology Act, 2000.

2. It is the case of the prosecution that the present applicant has forged the documents including Pan Card, bonafide certificate of the school, in order to obtain a passport. Therefore an FIR has been lodged against him.

3. It is the case of the applicant that there is matrimonial dispute between the applicant's brother and the wife of his brother.

4. A complaint was filed to the police by the father-in-law of the applicant's brother. In the said complaint, there is mention of the applicant obtaining a passport through a forged document. He submits that as far as the passport is concerned, the same has already been surrendered by the present applicant to the Passport Authority on 13<sup>th</sup> February, 2024. The present FIR has been filed much later on 3<sup>rd</sup> August, 2024. He submits that as regards the Pan Card is concerned, though he has physical two copies of the Pan Card, the number on both the Pan Cards is the same. Only the difference in both the Pan Cards would be the address. He submits that the applicant is residing on the leave and licence basis. Therefore there is

bound to be change in address every time when he changes his residence. He submits that as per the Rules of the Pan Card, if a person has obtained two Pan Cards, all that he is supposed to do is to surrender one Pan Card and to pay fine of Rs.10,000/-. He submits that his client is and was always ready to surrender and pay the requisite fine (if any). He submits that the custodial interrogation of the present applicant is not at all necessary.

5. I have heard learned counsel for both the sides. I have gone through the FIR and the documents produced before me including the document pertaining the leave and licence agreement, FIR and the document relating to the address of the present applicant, the passport application form. After going through the documents on record and after hearing the parties, there is no doubt there is a matrimonial dispute between the applicant's brother and the wife of the applicant's brother. *Prima facie* it appears that because of the sour relationship, a complaint that the applicant has obtained the passport on forged documents was lodged by the father-in-law of the brother of the present applicant. The address of the present applicant is not permanent address as he has been living in the flat on leave and

licence basis. The applicant has already surrendered his passport and is ready to surrender one of his pan card and pay the requisite fine. In such a situation, till the next date of the hearing, certain protection has to be granted to the present applicant. Hence, the following order :-

**ORDER**

(a) In the event of arrest in connection with FIR No. 0264 dated 3<sup>rd</sup> August, 2024 registered with Vinoba Bhave Police Station, Brihanmumbai Shahar for the offence punishable under Sections 318(4), 336(2), 336(3), 338, 340(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) and 66(d) of the Information Technology Act, 2000, the applicant shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- with two or more sureties of the like amount.

(b) The applicant shall co-operate with the investigation and attend the Investigating Officer of the concerned Police Station on 5<sup>th</sup> March 2025, 6<sup>th</sup> March 2025 and 7<sup>th</sup> March 2025 between 11:00 a.m. to 1:00

p.m., and as and when called for.

(c) The applicant 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 and shall not tamper with evidence.

(d) The applicant shall furnish details of his residential addresses, contact numbers and e-mail address to the Investigating Officer.

6. Stand over to **18<sup>th</sup> March 2025.**

**[RAJESH S. PATIL, J.]**