



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JANUARY, 2023

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

CRIMINAL PETITION NO. 252 OF 2023

BETWEEN:

1. SRI SYADUL AKHON @ SHAHID AHMAD
S/O RAHIS AHAMMED
AGED ABOUT 42 YEARS
RESIDING AT 53-A
ASHOK VIHAR LONI GHAZIABAD
UTTAR PRADESH - 201102

...PETITIONER

(BY SRI. MOHAMMED MUJASSIM, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MADANAYAKANAHALLI POLICE REP BY LEARNED
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 560001

...RESPONDENT

(BY SRI.H.S.SHANKAR, HCGP)

CRL.P FILED U/S.439 CR.P.C PRAYING TO ENLARGE THE
PETITIONER ON BAIL IN CR.NO.245/2022 REGISTERED BY
MADANAYAKANAHALLI POLICE STATION, BENGALURU

Digitally signed by
MOHANKUMAR
M

Location: High
Court Of
Karnataka



DISTRICT FOR THE OFFENCE P/U/S 465, 468, 471, 472, 474, 420 OF IPC, SECTION 66 (D) OF INFORMATION TECHNOLOGY ACT, SECTION 14, 3, 7(2) OF FOREIGNERS ACT AND SECTION 12 OF PASSPORTS ACT, PENDING ON THE FILE OF I ADDITIONAL CIVIL JUDGE AND J.M.F.C., NELAMANGALA IN C.C.NO.7618/2022.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner-accused No.1 is before this Court seeking grant of bail under Section 439 of Cr.P.C. in Crime No.245/2022 of Madanayakanahalli Police Station, Bengaluru District, registered for the offences punishable under Sections 465, 468, 471, 472, 474 and 420 of the Indian Penal Code (for short 'IPC'), Section 66(D) of Information Technology Act, (for short, 'the IT Act'), Section 14, 3, 7(2) of Foreigners Act and Section 12 of Passports Act, on the basis of the first information lodged by the informant-Sri.Mallagondi.



2. Heard Sri.Mohammed Mujassim, learned Counsel for the petitioner and Sri.H.S.Shankar, learned High Court Government Pleader for the respondent-State. Perused the materials placed on record.

3. Learned Counsel for the petitioner submitted that the petitioner is arrayed as accused No.1. He is innocent and has not committed any offences as alleged. He has been falsely implicated in the matter without any basis. He was apprehended on 23.05.2022 and since then he is in judicial custody.

4. Learned counsel for the petitioner further submitted that the Provisions of Foreigners Act, Passports Act, IPC and IT Act were invoked without any basis. Petitioner is the citizen of Uttar Pradesh. He was born there. His family members are residing in Uttar Pradesh. He is having Indian Passport, Aadhar Card, Voters ID and other relevant documents. Investigating Officer has not considered any of these documents. He filed the false



charge sheet against the petitioner. Since the investigation is already completed, detention of the petitioner in custody would amount to pre-trial punishment. He is ready and willing to abide by any of the conditions that would be imposed by this Court. Hence, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader opposing the petition submitted that serious allegations are made against the petitioner for having committed the offences. He is a Bangladesh Citizen and he gained entry into India without Passport and Visa. He has been staying in India since 20 years illegally and concocted several documents in collusion with accused Nos.2 to 15. He concocted Aadhar Card, PAN Card, Voters ID and even opened several Bank Accounts. He is running a scrap shop in Bengaluru and was trying to change his residential address to Bengaluru. At that time, the incident came to light. Accused Nos.5 to 9 and 14 are still



absconding. After verifying the documents that are relied upon by the petitioner and after due investigation, the charge sheet is filed. Looking to the nature and seriousness of the offences, the petitioner is not entitled for grant of bail. If the petitioner is granted anticipatory bail, he may never turn up before the Investigating Officer and he may abscond or may commit similar offences, threaten or tamper the prosecution witnesses. Hence, he prays for dismissal of the petition.

6. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the petitioner is entitled for grant of bail under Section 439 of Cr.P.C.?"

My answer to the above point is in 'Negative' for the following:



REASONS

7. The allegations made against the petitioner is of serious nature. Even though the learned counsel for the petitioner produced several documents contending that he is the citizen of India and resident of Uttar Pradesh, having all necessary documents to prove his identity, the charge sheet filed by the Investigating Officer after due investigation discloses that he is a Bangladesh Citizen, gained entry into the Indian County illegally and stayed since 20 years.

8. It is further alleged that he concocted the several ID Cards to project that he is an Indian Citizen. The allegation is of serious nature having serious consequences, such acts may proved to be a great threat to the Nation. Several accused are still absconding. Considering all these facts and circumstances, I am of the opinion that the petitioner is not entitled to grant bail.



9. Accordingly, I answer the above point in the negative and proceed to pass the following:

ORDER

The petition is ***dismissed.***

**Sd/-
JUDGE**

MKM
List No.: 1 Sl No.: 35