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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.310 OF 2015

Feliciana Nicholas D'souza	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Sushil Upadhyay i/b Mr.A.M.Saraogi, for the Applicant.
Ms.P.P.Shinde, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.
DATED : 18th MARCH, 2015.

PC.

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.

2. By this application, the Applicant seeks pre-arrest bail, in connection with C.R. No.69 of 2015, registered with the MHB Police Station, for the alleged offences punishable under Sections 457 and 380 of the Indian Penal Code.

3. According to the prosecution, the applicant is alleged to have committed theft of jewelery of the complainant who is her neighbour

worth Rs.1,25,000/- He submits that the applicant is aged 74 years of age and that she has deposited a sum of Rs.1,25,000/- which is the value of the jewelery of which theft is alleged to have taken place in the Registry of this Court.

4. Considering the age of the applicant, which is aged 74 years and the fact that the applicant has already deposited an amount of Rs.1,25,000/- in the Registry of this Court, the Applicant deserves to be granted pre-arrest bail on the following terms and conditions ;

ORDER

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- ii) With regard to the amount of Rs.1,25,000/- which is deposited with the Registry of this Court, the same shall be transferred to the Trial Court, when charge-sheet in the said case is filed.
- iii) Learned Counsel for the Applicant shall inform the Registry after the charge-sheet is filed, so as to enable the Registry to transfer the said amount of Rs.1,25,000/- to the Registry of the Trial Court,

which is seized of the case ;

- iv) On the said amount being transferred in the Registry of the Trial Court, the complainant will be permitted to withdraw the said amount of Rs.1,25,000/- on executing a bond before the Trial Court, which is seized of the case.

- 5. The Application is allowed and disposed of in above terms.
- 6. It is made clear, that Trial Court shall decide the case on its own merits, in accordance with law.
- 7. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)