

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 435 OF 2015

Kanisa @ Khairum Farooq

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Ashish B. Baraskar for Applicant

Ms. S. S. Kaushik APP for the State.

Mr. Manohar Ghadke P.S.I. Thane

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 27th JULY 2015

PC :

Heard. Applicant herein is arrested on 27/04/2015 in crime no. 29 of 2015 and is being prosecuted under section 29 of Narcotic Drugs and Psychotropic Substances Act 1985.

2) It is the case of prosecution that co-accused was apprehended while he was in possession of 22 Kg 900 gms of Ganja. Through interrogation, he had disclosed the involvement of present applicant and on that ground applicant was arrested. Learned Special accused had considered the application on merits and has granted bail to the applicant vide order dated 04/06/2015 on

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the condition that she be released on bail on furnishing P. R. bond of Rs. 25,000/- with one solvent surety of like amount. Applicant, while in custody could not make any arrangement of solvent surety and therefore, had prayed for provisional cash bail by filing the application. Said application seeking modification was rejected by an order dated 26/06/2015. Learned Special Court had observed that applicant had filed her 'Adhar Card' which shows a different address. The agreement for sale and the Adhar Card showed different address and therefore, application seeking modification was rejected.

3) Learned counsel for the applicant prays that applicant be enlarged on provisional cash bail for a period of 4 weeks, within which she would comply with all necessary conditions.

4) Taking into consideration the role attributed to the applicant and the fact that she is a woman, applicant deserves to be allowed on following terms and conditions.

ORDER

(i) Application is allowed.

(ii) Applicant be enlarged on provisional cash bail of Rs. 25,000/- for a period of 4 weeks, within which time, applicant shall furnish P. R.

bond and one or more solvent local sureties in the like amount.

(iii) Applicant shall give her address, cellphone no. and other details to the investigating agency and shall report to the concerned police station on first Sunday of each month for the next 6 months.

(iv) Applicant shall not leave Mumbai without prior permission of the Court.

(v) Application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J.)