

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1610 OF 2015

Mrs. Fatima Shabbir Sheikh

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Saurabh Singh, Advocate for the Applicant.

Ms. Veera Shinde, A.P.P. for the Respondent - State.

P.S.I. Sawant, Wadala T.T. Police Station, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th SEPTEMBER, 2015

P.C. :

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

2 By this application, the applicant seeks her enlargement on bail in connection with C.R. No. 249 of 2015 registered with the Wadala T.T. Police Station, Mumbai for the alleged offences punishable under Sections 465, 467, 468, 471, 420 read with section 34 of the Indian Penal Code.

3 The complaint is lodged by one Gajanan Vaman Tamble, a Police Constable. It is alleged that on 27th February, 2015, the complainant whilst on patrolling duty, received a

message that wanted accused Shahadat @ Yardo alongwith the other co-accused was coming to Motilal Nehru Nagar. Pursuant to the said information, Shahadat @ Yardo and the other co-accused were nabbed when they came to the said spot. The allegation qua the present applicant, who is the mother of Shahadat @ Yardo is that after Shahadat @ Yardo was arrested, the present applicant handed over a false birth date certificate of her son Shahadat @ Yardo. The said certificate showed the birth date of Shahadat @ Yardo as 8th February, 1998. On the basis of this certificate, Shahadat was sent to the Juvenile Home at Dongri. During investigation, it was revealed that the applicant had made a false birth certificate of her son Shahadat @ Yardo; pursuant to which she was arrested.

4 Learned Counsel for the applicant states that the applicant is in custody since her arrest on 8th July, 2015. He submits that she is a widow, living with her young daughter and has no source of livelihood. He submits that the alleged forged birth certificate is in the custody of the police and as such no further detention of the applicant is warranted.

5 Considering the nature of allegations and the fact that the alleged forged document is already in the custody of the police and the fact that the applicant is a lady, the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be initially enlarged on cash bail of Rs.10,000/- for a period of two weeks and thereafter, the applicant shall furnish P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

(ii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any other person concerned with the case;

(iii) The applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial;

6 The Application is allowed in the aforesaid terms and is accordingly disposed of.

7 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

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CERTIFICATE

*Certified to be true and correct copy of the original
signed order.*
