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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1003 OF 2017

Pillu Parvez Mehta

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Miss. Swapna Kode for applicant.

Mrs. P.P. Shinde APP for State.

CORAM: A.S. GADKARI, J.**DATE : 3rd May 2017.****P.C.**

1] This is an application under Section 439 of Cr. P.C. for bail in CR. No.I-42 of 2016 dated 24.2.2016 registered with Kasarvadavli Police Station, Thane under Sections 20(B), 419, 420, 465, 466, 467, 468, 471, 426, 192 read with 34 of the Indian Penal Code.

2] The present application is filed mainly on the ground that the applicant is aged about 76 years as of today and suffering from various age related ailments.

3] It is the prosecution case that, the applicant impersonated herself as Smt.Sillu Mistri and appeared before the Revenue Authorities in respect of transactions of the land bearing Survey Nos.79/2 and 80/2 and also filed criminal writ petition bearing No.4931 of 2015 in this Court for

seeking direction to lodge F.I.R. against New Swami Samarth Borivade Hsg. Scy.Pvt. Ltd and its directors/partners. During the course of investigation, the applicant was arrested on 4.8.2016. After completion of investigation the police have submitted chargesheet.

4] The record reveals that, for the act of impersonation committed by the applicant by filing Writ Petition No.4931 of 2015, this Court had initiated suo motu contempt action bearing Suo Motu Contempt Petition No.1 of 2016 for criminal contempt of this Court. This Court by an Order dated 22.9.2016 convicted the applicant for a period of one month for simple imprisonment and imposed fine of Rs.2000/-. As per the record, the applicant has already undergone the said sentence.

5] Perusal of the record pertaining to the present crime, prima facie, reveals that the applicant under the directions of principal accused Mr. Gilbert Mendonca and her brother Kersi Guard for the sake of pecuniary benefits impersonated herself as Smt. Sillu Mistri. It further reveals that an amount of Rs.50 lakhs was transferred by the principal accused in the joint account of Kersi Guard and the present applicant. Prima facie it appears from the record that though the offence as alleged against the applicant is serious in nature, the applicant had acted as per the dictataes of the prime accused and her brother as stated earlier.

6] The learned APP has produced the medical record of the applicant. As per the medical record, applicant is suffering from back pain, vertebral column swelling in lumber region and other age related ailments. The investigation of the present crime is already completed and police have submitted chargesheet. The applicant is a lady aged 76 years as of today and suffering from aforesaid ailments. That the trial pertaining to the aforesaid crime may perhaps not take place in near future and in view of the peculiar facts of the present, further incarceration of the applicant after filing of chargesheet, in view of this Court, is not necessary. The applicant therefore can be released on bail on the ground of she being a aged lady and suffering from various ailments.

Hence, the following Order:

- (i) The applicant be released in CR. No.I-42 of 2016 registered with Kasarvadavli Police Station, Thane, on her furnishing PR bond of Rs.25,000/- with or two local sureties in the like amount.
- (ii) After her release from jail, the applicant shall attend all dates before the Trial Court.
- (iii) The applicant when on bail shall not tamper with the evidence and/or influence the prosecution witnesses.

7] The Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)