

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2076 OF 2016

Revathi Sudishraj Nadar. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Sushrut Jadhwar, Advocate for applicant.

Mr. Arfan Sait, APP for State.

Mr. Jagdish Kulkarni, PI, Central Unit. Crime Branch, Navi Mumbai.
Mr. D.S. Hugumde, Jailor Kalyan Jail, Kalyan.

CORAM : SMT. SADHANA S. JADHAV, J
DATE : JANUARY 31, 2017

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973 praying for temporary bail. The applicant herein is

arrested on 15/9/2016 in Crime No. 169 of 2016 registered at NRI Sagari Police Station, New Bombay for offence punishable under section 395, 397, 120B, 411, 414 of the Indian Penal Code and under section 3 read with section 25 of the Indian Arms Act. The investigation is completed and charge-sheet is filed for the alleged offence. The learned APP upon instructions submits that the applicant is being prosecuted under the provisions of MCOCA.

3 The applicant was admitted in prison hospital on 19/9/2016. The jail authorities had realised that she was carrying pregnancy and hence, she was sent for ANC check-up to Central Hospital, Ulhasnagar on 29/9/2016 and examined by Gynaecologist. Sonography test was also done on the same day. The sonography test reveal that she was carrying pregnancy of 2 months and 3 days. As on today, the applicant is carrying pregnancy of 7 months (G3 P2 L0 A2 with 7 months Amenorrhea) and is under treatment.

4 The learned Counsel for the applicant has placed on record the earlier medical history, which shows that the applicant had undergone abortion on more than two occasions.

5 Although it is true that the applicant is being prosecuted under the provisions of MCOCA, without going into merits of the matter, on humanitarian grounds, the applicant deserves to be enlarged on bail.

6 Learned APP submits that it would be necessary to ensure presence of the applicant at all stages of trial and therefore, the applicant shall be duly represented by advocate. It is a matter of record that the husband of the applicant is also in custody. The learned Counsel for the applicant submits that he would ensure that the applicant stands represented at all stages of trial.

7 Hence, the following order is passed :

ORDER

- (i) The application for temporary bail is allowed.
- (ii) The applicant be enlarged on temporary bail for a period of 6 months from the date of release, on furnishing P.R. bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.
- (iii) The applicant shall not leave Mumbai without prior permission of the Court while on temporary bail.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)