

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2203 OF 2018

Mrs.Sadiqa Gulam Hafedh

Ebrahim Dawood Zaman

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr.Niranjan Mundargi for the applicant.

Mr.R.M. Pethe, APP for the respondent/State.

Mr.Sameer Inamdar, Round Forest Officer, Thane Division.

CORAM : PRAKASH D. NAIK J.

DATED : 7th SEPTEMBER 2018.

P.C. :

1. The applicant is seeking bail in CR No.C-5/2018-2019 registered with Forest Department, Mumbai under Sectiond 41, 42, 65(A) of the Forest Act read with Sections 31 and 82 of Maharashtra Forest Rules.

2. The case of the prosecution is that the applicant was allegedly transporting 19 Kg of Aagar wood in a bag from Mumbai to Bahrain and she was intercepted at Chatrapati Shivaji International Airport, Mumbai. She was detained at the Airport on 7th August, 2018 by the Custom Authorities and was thereafter handed over to the Forest Department. She was produced before Remand Court on the same day. The investigating officer sought Magisterial Custody of the applicant which is evident from the Remand report.

3. The applicant preferred an application for bail before the Metropolitan Magistrate, 10th Court, Andheri, Mumbai which was rejected on 8th August, 2018. Subsequently, the application for bail was preferred before the Sessions Court, Dindoshi which was also rejected vide order dated 20th August, 2018.

4. The learned Advocate for the applicant submits that the applicant is in custody from date of arrest. There was no intention

to violate any provisions of law. She was having invoices of purchase of the seized articles. Further custody is not required as the applicant is in magisterial custody from very inception. It is further submitted that the applicant has relatives in Mumbai and she is willing to provide local sureties. It is submitted that the application for bail was primarily rejected on the ground that the applicant may not be available for trial and may go abroad. It is prayed that the applicant may be granted bail.

5. The learned Additional Public Prosecutor opposed the application and submitted that the applicant is Bahrain National and her presence will have to be secured for facing the prosecution.

6. Perusal of the documents, it is evident that the applicant is in custody from 7th August, 2018. She was produced before the remand Court on 8th August, 2018 wherein she was remanded to magisterial custody. Primarily, her custody is not required for the purpose of investigation. On perusal of order 28th August, 2018, it

appears that the main reason for rejecting the application, is that the investigation is in progress and the applicant being Bahrain National, she may not be available for trial.

7. Considering the fact that further custody of the applicant is not necessary bail can be granted to her on certain terms and conditions. Hence, the following order;

:: ORDER ::

- (i) Bail Application No.2203 of 2018 is allowed.
- (ii) The applicant is directed to be released on bail in connection with CR No.C-5/2018-2019 registered with Forest Department, Mumbai on her furnishing P.R. Bond in the sum of Rs.25,000/- with one or more local sureties in the like amount.
- (iii) The applicant shall not leave India without prior permission of this Court and after filing chargesheet, from the trial Court.
- (iv) The applicant shall not tamper with evidence.

(v) After filing of chargesheet, the applicant shall attend the Court on the date of hearing unless exempted by the Court.

(vi) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of four weeks.

Vina
Arvind
Khadpe

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Vina Arvind
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Date:
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(PRAKASH D. NAIK J.)