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

CRIMINAL BAIL APPLICATION NO.2360 OF 2017

Warner Julie Ann	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Ayaz Khan, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

P.I- D.M.Thepote, Sahar Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.80 of 2017 registered with the Sahar Police Station, Mumbai, for the alleged offences punishable under Sections 370, 419, 420, 465, 468, 471, 201 and 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the aforesaid case. He submitted that taking the prosecution case as it stands, no offences as alleged are disclosed as against the applicant. He submitted that the CCTV footage has not been filed in the trial Court. According to the learned counsel, considering the aforesaid, the applicant be enlarged on bail, since, she is in custody for almost a year.

4. Learned APP opposed the application. She submitted that there is ample evidence to show the applicant's complicity in the alleged offences. She submitted that the applicant had used similar modus operandi earlier and that Sri Lankan passengers were sent on her name to London, sometime in January and February, 2017.

5. Perused the charge-sheet. The applicant is a lady and a British National. According to the prosecution, the applicant and co-accused Nos.5 to 7, all British Nationals handed over their boarding passes (issued in their names) to the other co-accused i.e. Accused Nos.1 to 4 (3 Sri Lankan men and 1 Sri Lankan lady). It is the prosecution case, that the applicant had

handed over her boarding pass, standing in her name to co-accused – Kannathasan Karththeepan, a Sri Lankan lady, for travelling from Mumbai to London. It is further alleged by the prosecution, that Kannathasan Karththeepan, when apprehended at the Airport on receipt of information, destroyed the forged Indian passport as well as the boarding pass standing in the name of the applicant. It is further alleged that the applicant after handing over the boarding pass to co-accused - Kannathasan Karththeepan, was attempting to take a flight from Mumbai to Ahmedabad, with a boarding pass issued in her name around the same time. It appears that co-accused Nos.1 to 4 (3 Sri Lankan men and 1 Sri Lankan lady) were travelling on forged Indian Passports and were using Boarding passes standing in the name of the three British Nationals i.e. Accused nos.5 to 7 and the applicant (Accused No.8), when they were apprehended at the Immigration Counter. It is informed that there is CCTV footage collected by the police to show that the applicant had handed over her boarding pass to co-accused - Kannathasan Karththeepan and also the other British Nationals had handed over their boarding passes to the three Sri Lankan Nationals. If the applicant is enlarged on bail, it would be difficult to secure her presence. It is also informed that the trial has commenced and that the

complainant is in the witness-box. The bail of co-accused - Kannathasan Karththeepan was rejected by this Court (Coram:A.S.Gadkari, J.) vide order dated 24th February, 2018, passed in Bail Application No.2182 of 2017.

6. Considering the material on record, this is not a fit case to enlarge the applicant on bail.

7. Accordingly, the application for bail is rejected and disposed of as such.

8. It is made clear that the observations made herein are prima facie for deciding this application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)