IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1339 OF 2018
IN
CRIMINAL BAIL APPLICATION NO. 2203 OF 2018

Sadiqa Gulam Hafedh Ebrahim Dawood Zaman … Applicant
Vs.
The State of Maharashtra … Respondent

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Mr. Pradeep M. Patil a/w Ms. Revati Tatkare & Mr. Pravin Gale for the applicant.
Mrs. G.P. Mulekar, APP for the Respondent-State.
Mr. Sameer Inamdar, Round Forest Officer is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 18th DECEMBER, 2018.

P.C.

1. The applicant is Bahraini National. She has been a person of Indian Origin and migrated to the Kingdom of Bahrain. She is holder the Passport bearing No. 2557654 and the same was issued on 11th July, 2016. The applicant was arrested in connection with C.R. No. C-5/2018-2019 registered with Forest Department for the alleged offence under Section 41, 42 and Section 65 A of the Forest Act 1927 read with Sections 31 and 82 of Maharashtra Forest Rules. The applicant was arrested on 7th August, 2018. She preferred an application for bail before this Court. By order dated 7th September, 2018, bail application was allowed and the

applicant was directed to be released on bail with a condition that applicant shall not leave India without prior permission of this Court after filing of chargesheet from the trial Court. The applicant has availed of the facility of bail and she is released on bail. Apparently, the chargesheet is not yet filed against the applicant. The relief is sought in this application seeking permission to leave India.

2. It is submitted that the applicant is permanent resident of Bahrain. Entire family is residing at Bahrain. She was arrested for contravention of the provisions of the Forest Act and since 7th August, 2018 she is in India. It is submitted that the applicant is having son aged about 11 years and her family is in Bahrain. Family of the applicant including her son and husband are suffering. She is stranded in India. It is submitted that the applicant would face the prosecution and would appear before the trial Court as and when directed by Court. It is submitted that brother-in-law of the applicant is residing in Mumbai. Details for the residential address of the brother in law were provided to the Respondent.

3. Learned APP tendered the report dated 18th December, 2018 which indicate that concerned officer had verified the residential

address of the brother-in-law of the applicant by personally visiting the place and on verifying the Aadhar Card and making requisite inquiry. The report is taken on record. The applicant has filed an affidavit giving the details about the Passport and the Visa and the residence of her husband and her permanent address in Bahrain. The affidavit indicates that her permanent address, place of residence in Behrain. The affidavit dated 13th December, 2018 is taken on record. The applicant has filed an undertaking dated 18th December, 2018. She is personally present in the Court and has been identified by the learned advocate representing her. In the undertaking it is stated that she has submitted the requisite details of Passport, Visa and identity card issued by Kingdom of Bahrain and has also furnished the details about the pass-port and resident permit of her husband and details of her brother-in-law who is resident of Mumbai. The undertaking also mentioned that applicant undertakes that she would remain present before the trial Court, at the time of filing of chargesheet and would also attend the trial Court and on this date of hearing of cases and that she will be represented by advocate before the trial Court on the dates of hearing.

4. Considering the aforesaid circumstances and the fact that

applicant is lady having her family residing at the Bahrain, the relief sought in this application can be granted on certain terms and conditions.

ORDER

i. The order dated 7th September, 2018 passed by this Court is modified and the applicant is permitted to leave India for Behrain;

ii. The applicant shall abide the undertaking submitted to this Court;

iii. Criminal Application stands disposed off.

(PRAKASH D. NAIK, J.)