

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2821 OF 2017**

Revathi Sudishraj Nadar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. V. P. Rajan for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

PSI Mr. Amit Shelar, from Crime Branch, Navi Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 25th APRIL, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks her enlargement on bail in connection with C.R. No. 169 of 2016 registered with the NRI Sagari Police Station, Navi Mumbai, for the alleged offences punishable under Sections 395, 397, 120-b of the Indian Penal Code; under Sections 3, 25 of the Arms Act; under Section 37(1) r/w 135 of the Maharashtra Police Act and under Sections 3(1)(ii), 3(2), 3(4) of the MCOC Act.

3. Learned counsel for the applicant submits that there is absolutely no material to connect the applicant with the alleged offence. He submits that admittedly, the applicant was not present in Mumbai when the alleged offence was committed on 6th August, 2016. He submits that the applicant has been arraigned as an accused and arrested only because her husband Sudishraj Nadar, co-accused could not be found. He submits that there is no material to show that the gold articles which were found in the applicant's house in Tamil Nadu were the very same articles of which dacoity was committed by the co-accused.

4. Learned A.P.P opposed the application. He has filed an affidavit of Nilesh Raut, Assistant Commissioner of Police, Crime Branch, Navi Mumbai.

5. Perused the papers. According to the complainant, the incident took place on 6th August 2016 at about 14:45 to 15:00 hrs. The complainant has alleged that five persons armed with deadly weapons and fire arms entered the office of Popular Finance Company, where the complainant was working and committed dacoity of gold weighing 21 kgs

993 grams, 900 miligrams (value of which was about Rs. 6,69,32,000/-) as well as cash of Rs. 9,50,000/-, hard disk and DVR.

6. During the investigation, the applicant and co-accused were arrested. According to the prosecution, Arputraj @ Appu Palraj Nadar was the main gang leader of the organized crime syndicate and was engaged in many unlawful activities. As far as the applicant is concerned, it is not in dispute that the applicant is a resident of Tamil Nadu and was not present at the spot when the alleged incident took place. The applicant was arrested from her house in Tamil Nadu. There is an alleged recovery of gold ornaments worth Rs. 3,11,000/- at the instance of the applicant. According to the applicant, the said jewellery belongs to her and she disputes that the said jewellery is in any way connected with the alleged offence.

7. Learned A.P.P is unable to connect the recovery of jewellery to the alleged offence, inasmuch as, the complainant has also not identified the said jewellery. Merely because the husband is involved in the commission of the offence, would not be a ground/reason to detain the applicant. Apart from the aforesaid, there is no material *qua* the applicant.

The applicant has no antecedents.

8. Considering the aforesaid, it is difficult to come to the conclusion that the applicant is guilty of the alleged offence with which she is charged. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/-, with one or more sureties in the like amount;
- (ii) The applicant shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) The applicant shall inform her latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

- (iv) The applicant to cooperate with the conduct of the trial;
 - (v) If there are two consecutive defaults in appearing before the trial Court or in reporting to the Investigating Officer and if there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.
9. The application is accordingly disposed of.
10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.