

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 648 OF 2019

Nasrin Irfan Chhotani	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Niranjan Mundargi i/b. Mr.Omneel Jadhav for Applicant.
Mr.S.S. Hulke, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 15th March 2019.

P.C. :

1] The applicants are apprehending arrest in C.R. No. 301 of 2018 dated 25/09/2018 registered with Sahar Police Station, Mumbai, for the offence punishable under Section 370, 414, 419, 420, 201 read with 34 of the Indian Penal Code.

2] It is the case of the prosecution that the applicant along with her husband, namely Irfan Chottani in connivance with absconding accused Amir Khan took two children to United States. It is the allegation that the applicant and her husband projected with the

immigration authorities that the said children are of their own. They committed the act of human trafficking. The said fact came to the notice of the immigration authorities while scanning the data available with them. It is to be noted here that the husband of the applicant who is co-accused in the present crime was arrested by the police on 27/11/2018 and now has been released on regular bail by the learned Additional Sessions Court, Dindoshi, Mumbai, by its order dated 12/02/2019.

3] Heard the learned counsel for the applicant and the learned APP for the Respondent-State. Perused the record of investigation.

4] It appears from the record that the applicant under the directions of her husband had accompanied him to the United States for dropping the said children there. There is no allegation of manufacturing and/or preparing bogus passport of the said two children. The principal accused Amir Khan is still absconding. As noted earlier prima-facie it appears that the applicant has acted under the directions of her husband and has no independent contribution in commission of the present crime. The police have already completed investigation and submitted chargesheet against other accused. As far as the applicant and her husband are concerned, the co-accused Irfan

Chottani has already given leading clues to the Investigating Officer about Amir Khan, who is the principal accused in the present crime. It further appears that nothing further is to be investigated as far as the applicant is concerned and therefore she can be protected by pre-arrest bail.

5] Hence, following order.

- (i) In the event of arrest in CR No. 301 of 2018 registered with Sahar Police Station, Mumbai, the applicant shall be released on bail on her furnishing PR bond in the sum of Rs.25,000/- with one or two local sureties in the like amount.
- (ii) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (iii) Applicant shall attend the Investigating Officer from 25th March 2019 to 28th March 2019 between 10 am to 1 pm and to joint the process of investigation.
- (iv) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]