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

CRIMINAL BAIL APPLICATION NO.1218 OF 2019

Hasina Bilal Ansari	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.D.M.Patil, for the Applicant.

Mr.A.A.Palkar, A.P.P for the Respondent - State.

P.I. - Subhash Dhawale, Shantinagar Police Station, Bhiwandi.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th JUNE, 2019

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.I-339 of 2018 registered with the Shantinagar Police Station, Thane, for the alleged offences punishable under Sections 302, 324, 504, 506, 109 r/w 34 of the Indian Penal Code.

3. Perused the papers. It appears that there was a dispute between the complainant's family and the applicant's family with regard to an open space of land. According to complainant, Kulsum Mohd. Avesh @Raju Ansari, the incident took place on 11th November, 2018, at about 6.15 p.m. when she was travelling with her husband – Avesh (deceased). The complainant has alleged that the applicant's son – Afroz Bilal Ansari came in a rickshaw; that he got down from the said rickshaw; that he was armed with a knife; and that he assaulted the deceased with a knife. Although, the complainant in the FIR has not disclosed the name of the applicant as being present at the spot, in the supplementary statement recorded on 12th November, 2018, the complainant has alleged that there were two rickshaws, one in which Afroz was present and the second rickshaw in which the applicant, her husband – Bilal and the second son – Firoz were present. No overt act has been attributed to the applicant. The CCTV footage also does not show the presence of the applicant at the spot where the deceased was assaulted by Afroz. The CCTV footage only shows Afroz assaulting the deceased. The Applicant's husband – Bilal has been granted anticipatory bail. The role of the applicant is similar to that of her husband – Bilal.

4. Learned APP also does not dispute the fact, that the CCTV footage does not show the presence of the applicant at the spot. There is no recovery from the applicant nor are there any eye-witnesses who speak about the presence of the applicant at the spot.

5. Considering the aforesaid, 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 furnishing P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall not tamper with the evidence or attempt to threaten, intimidate, influence or contact the complainant, witnesses or any person concerned with the case;
- iii) The Applicant shall co-operate in the conduct of the trial.

6. The Application is allowed and disposed of in above terms.
7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.