

Shailaja

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2690 OF 2019***

Banu Bashir Khan	]	Applicant
Versus		
The State of Maharashtra	]	Respondent

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Mr. Ranvir Shekhawat i/b M/s. Raj Legal, for the Applicant.

Ms. Veera Shinde, A.P.P for the Respondent - State.

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CORAM : REVATI MOHITE DERE, J.

DATE : 1st OCTOBER, 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.122 of 2018 registered with the Mahatma Phule Chowk Police Station, Kalyan, for the alleged offences punishable under Sections 353, 504, 506 (2) and 34 of the Indian Penal Code.

3. Perused the papers. According to the complainant-Police Constable J.B. Khatal, he was assigned the job of escorting undertrial prisoners to the respective Courts. The complainant has stated that on 14th

March, 2018, he was asked to escort one prisoner i.e Phiroz Bashir Khan, (the applicant's son) to the J.M.F.C Court at, Kalyan. The complainant has alleged that when he reached the Kalyan Court, Phiroz was produced and after the matter was adjourned, he was brought out of the Court. He has stated that the applicant without taking any Court order, tried to serve food to her son Phiroz Bashir Khan, which he did not permit, as there was no Court order to that effect. Pursuant thereto, Phiroz started threatening and abusing the complainant and his colleagues. As far as the applicant is concerned, the applicant is alleged to have threatened the complainant. Pursuant thereto, the aforesaid complaint was lodged.

4. Learned Counsel for the applicant states that the Applicant is in custody since 18.06.2019 and that Investigation is complete and charge-sheet is filed. He submits that the applicant will not attempt to serve food on her son again without obtaining a Court order in future. Statement is accepted.

5. Considering the nature of the offence and the fact that the applicant is in the custody since 18th June, 2019 and investigation is complete and charge-sheet is filed, as well as the statement made by the learned Counsel for the applicant, the Application is allowed and the

applicant is enlarged on bail on the following terms & conditions :-

O R D E R

- (i) The Applicant be released on cash bail in the sum of Rs. 10,000/-, for a period of six weeks;
- (ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case and shall not commit similar offence;
- (iv) The Applicant shall inform her latest place of residence and mobile contact number immediately after being released 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;
- (v) The applicant shall not commit similar offence.

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 the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
8. All concerned to act on the authenticated copy of this order.

[REVATI MOHITE DERE, J.]