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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3327 OF 2021

Filomina Omprakash Sharma

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Niranjan Mundargi i/b Vivek M. Punjabi for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.
DATE : 7th OCTOBER, 2021

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-54 of 2021 registered with the Mumbai Naka Police Station, Nashik, for the alleged offences punishable under Sections 370 r/w 34 of of the Indian Penal Code and Sections 3,4 and 5 of the Prevention of Immoral Trafficking Act.
3. Learned Counsel for the applicant submits that the applicant is

in custody since 13th August, 2021. He submits that the applicant was taken into custody at the time of filing of the chargesheet. He further submits that during the applicant's incarceration in jail, the applicant's son, aged 30 years expired on 30th September, 2021. Learned Counsel for the applicant has filed an affidavit-cum-undertaking of the applicant, wherein the applicant had undertaken not to indulge in any criminal activities including activities similar to the present one. She has further stated in her affidavit that she has been externed from the Nashik City and Nashik Rural District vide order dated 5th July, 2021 passed by the learned Depute Commissioner of Police, Nashik as against her and that during the said period, she will regularly attend the Kasara Police Station, Kasara, Thane. She has further stated that she will not tamper with the prosecution witnesses and will continue to reside outside the jurisdiction of Nashik City, till her externment period is over.

4. Learned APP states that there are two similar cases registered as against the applicant and that there are two other cases, pertaining to bodily offences.

5. Perused the papers. Prima facie, there is material to connect the applicant with the alleged offence, however, having regard to the fact,

that the applicant is a lady, the demise of her son and the affidavit-cum-undertaking filed by her, in this Court, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be released on cash bail in the sum of Rs. 50,000/-, 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. 50,000/- with one or two sureties in the like amount;

(iii) The applicant shall attend the Kasara Police Station, Kasara on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., during the period that she is externed, and thereafter, the applicant shall report to the Mumbai Naka Police Station, Nashik, on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial, except if the date in the trial Court falls on a Saturday;

(iv) The applicant shall not enter the jurisdiction of Nashik City and Nashik Rural District, during the period that she has been

externed, except for attending the rituals of her son and the Court hearings;

(v) The applicant shall inform her latest place of residence and mobile contact number, if any, soon after being released on bail and/or if there is any change of residence or mobile details, time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant/victims, witnesses or any person concerned with the case;

(viii) The applicant shall not indulge in any criminal activity;

(ix) The applicant shall file an undertaking with regard to clauses (ii) to (viii) in the trial Court, within two weeks of her release;

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

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.