

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

BAIL APPLICATION NO.3462 OF 2019

Shirin Xavier Xaviour

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....
Mr.Anant Wagh, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JULY 08, 2021.

P.C. :

This is an application for bail. The applicant is arrested in C.R.No.184 of 2018 on 13th June 2018. The FIR was registered with Sahar Police Station, Mumbai, for offences under Sections 370, 465, 468, 471 and 420 read with 34 of Indian Penal Code (“IPC”, for short).

2 The case of prosecution is that on 13th June 2018, the Airport Officer and Security Officer of Sahar International Airport while viewing the CCTV footage noticed around 8 to 10 persons behaving in tense manner. They were signaling an agent who was

standing at a distance. Four persons were about to board a flight to Bangkok, which was connected to Australia. When the boarding passes of these passengers were checked, it was found that boarding passes were for flight No.9W062 to Bangkok and the same were forged. The accused tried to send passengers on forged documents to Australia after obtaining money from them.

3 The applicant had preferred an application for bail before Sessions Court which was rejected by order dated 22 nd October 2018.

4 The applicant had preferred application for bail before this Court viz. Bail Application No.3049 of 2018. The said application was rejected vide order dated 1st March, 2019.

5 Learned advocate for the applicant submits that applicant is not beneficiary of amount. The amount which was handed over to the applicant which was given to the co-accused in the presence of the witness. After rejection of the application preferred by the applicant before this Court, the co-accused Manoj Kumar Gupta has been granted bail by the Sessions Court by order dated 7th May, 2019. There are no criminal antecedents against the applicant. He is in custody for a period of three years.

6 Learned APP submitted that the previous application preferred by the applicant was rejected by this Court by assigning reasons. There is no change in the circumstances.

7 It is pertinent to note that the FIR was registered on 14th June, 2018, and the applicant was arrested on the same day. He is in custody for the period of three years. There is no progress in the trial. The role assigned to the co-accused Manoj Kumar Gupta and the applicant is similar. He has been granted bail by the Sessions Judge, vide order dated 7th May, 2019. Considering these circumstances, bail can be granted to the applicant.

:: ORDER ::

- (i) Bail Application No.3462 of 2019, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.184 of 2018 on 13th June 2018. The FIR was registered with Sahar Police Station, on executing P.R. Bond in the sum of Rs.50,000/-, with one or two local solvent sureties in the like amount;

- (iii) Applicant shall produce document about his residential address;
- (iv) Passport of the applicant, if any, be deposited in the trial Court;
- (v) Applicant shall not give threat to the prosecution witnesses;
- (vi) Applicant shall not commit similar offence while on bail;
- (vii) Applicant shall attend the trial Court regularly unless exempted by the Court;
- (viii) Due to pandemic situation, applicant is permitted to furnish provisional cash bail in the sum of Rs.50,000/-, for a period of eight weeks, in lieu of surety;
- (ix) Bail Application No.3462 of 2019, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)