

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

**INTERIM APPLICATION NO.1634 OF 2022
IN
CRIMINAL APPEAL NO.422 OF 2022**

Sushila Lasar Chettiyar Applicant
Versus
U.T. of Dadra & Nagar Haveli Respondent

Mr. Madhusudan D. Pareek, Advocate (appointed) for the Applicant.

Mr. H.S. Venegavkar, Special P.P. for the Respondent.

Smt. J.S. Lohokare, APP for the State.

**CORAM :SARANG V. KOTWAL, J.
DATE : 26th JULY, 2022**

P.C. :

1. This is an application sent through jail by the applicant for releasing on temporary bail during pendency of Criminal Appeal No.422/2022. The applicant along with her co-accused was convicted for commission of offence punishable under Section 20(b)(ii)(c) read with 8(A)(c) and 31 of the Narcotic Drugs and Psychotropic Substance Act. The applicant was sentenced to suffer R.I. for fifteen years and to pay fine of Rs.1,50,000/- and in default to suffer RI

for nine months.

2. This application is preferred for temporary bail on the ground that the applicant has two kids. The elder son is 16 years of age studying in 10th standard. She has to arrange for his school fees and necessary expenditure for continuation of his study. The younger daughter is studying in 7th standard and she needed to be shifted to another school and for that purpose the applicant needs to arrange for finances.

3. Learned counsel who is appointed through Legal Aid to represent the applicant submitted that the applicant's contentions may be considered sympathetically in the interest of her children because otherwise they will suffer irreparable loss.

4. Learned Special PP. Shri Venegavkar for the respondent opposes this application. He submitted that the investigating officer has taken instructions in the case. The investigating officer has visited the house of the applicant. He has met the applicant's husband and her mother and the

enquiry has revealed that the husband of the applicant is looking after the children and he is taking good care of the children.

5. In this view of the matter, this application cannot be allowed. The children are looked after by their father and the ground on which temporary bail is sought is not sustainable. Hence, the application is rejected.

(SARANG V. KOTWAL, J.)

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