

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

**INTERIM APPLICATION NO.1635 OF 2022
IN
CRIMINAL APPEAL NO.422 OF 2022**

Tehmina Mehaboob Ghanchi 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 her 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) of the Narcotic Drugs and Psychotropic Substance Act. The applicant was sentenced to suffer R.I. for ten years and

to pay fine of Rs.1,00,000/- and in default to suffer RI for six months.

2. This application is preferred for temporary bail on the ground that the applicant's husband has shifted to USA and has performed his second marriage. The applicant wants to initiate divorce and maintenance proceedings before the appropriate forum and for that purpose she is seeking temporary bail for thirty days.

3. Learned counsel who is appointed through Legal aid to represent the applicant submitted that the applicant's contention may be considered sympathetically. He submitted that this applicant's conduct in jail is good and there are no complaints against her.

4. Learned Special PP Shri Venegavkar for the respondent submitted that the applicant can be provided with facilities of legal aid counsel and she can be allowed to sign the documents in jail which are necessary for initiating the proceedings before the appropriate forum and, therefore, for that purpose her temporary release on bail is not

necessary considering the seriousness of the offence for which she has been convicted for.

5. Considering this situation, I agree with the submissions of Shri Vengavkar and I am not inclined to allow this application. The applicant can be provided all necessary facilities for this purpose by the jail authorities.

6. With these observations, the application is rejected.

(SARANG V. KOTWAL, J.)

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