

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION(BAIL) NO. 1 OF 2023.**

ZEBA FIRDOS BI SHAIKH ... Applicant.
VS
STATE OF GOA THR. THE POLICE
INSPECTOR AND ANR ...Respondents

Mr. A. Bras Desa and Mr. S. Sardessai, Advocates for the Applicant.
Mr. S. G. Bhobe, Public Prosecutor for the Respondent.

**WITH
CRIMINAL MISC. APPLICATION NO. 38 OF 2023 -F**

SAMIHA B. SHAIKH Applicant.
Vs
STATE OF GOA THR. OFFICER
IN CHARGE CURCHOREM
POLICE STATION AND ANR. Respondents.

Ms. S. Shaikh, Advocate for the Intervenor.

**CORAM: M. S. KARNIK, J
DATED: 13th MARCH 2023**

P.C.

1. Heard learned Counsel for the applicant.
2. This is an application for anticipatory bail for the offence alleged under Sections 457 and 380 of IPC registered with the Curchorem Police Station vide Crime No. 80/2022. The applicant is the accused no.3.
3. The complainant alleged that during the course of wedding reception, her residential house was broken into and gold ornaments

worth Rs.38,00,000/-, came to be stolen. On the basis of the CCTV footage, it was revealed that it was the accused nos.1 and 2 who was responsible for the theft. It appears that the gold ornaments were kept at the residence of accused no. 2 Paul Cheema. Accused no.1 along with accused no.3 had gone to the house of accused no. 2 where accused no.1 was handed over a part of the stolen booty. The accused no.1 handed over the gold ornaments were to the present applicant who is accused no.3. It is the further case of the prosecution that prior to the offence, accused no.1 had obtained a gold loan in the name of accused no.3 on various occasion by pledging the gold at Muthoot Finance Ltd Vasco-Goa. It is alleged that there is every possibility that accused no.1 might have obtained a loan from any other branch of Muthoot Finance or any other banks in Goa as they are using the same *modus operandi* after the commission of offence.

4. The actual allegation of theft is mainly against the accused no.1. Charge sheet has already been filed against all the accused persons including the applicant. The investigation is complete. Applicant nos.1 and 2 are already released on bail. In my opinion custodial interrogation of the applicant is not necessary. The applicant must fully co-operate with the investigating officer. The learned Public Prosecutor submitted that applicant did not cooperate with the investigation and her custody is very much required. Now the chargesheet has been filed and considering the nature of the

accusations levelled against the present applicant, in my opinion, the custodial interrogation of the applicant is not required. The applicant must however fully cooperate with the investigation. Hence, I pass the following:-

ORDER

- i. In the event of arrest of the applicant, the applicant shall be enlarged on bail upon her furnishing a PR bond in the sum of Rs.25,000/- with one or more surety/sureties in the like amount to the satisfaction of the Trial Court.
- ii. The applicant shall report to the Investigating Officer on the first Monday of the month between 11.00a.m to 12.00 noon.
- iii. The applicant shall furnish details of her residential address and all contact details along with her mobile number to the Trial Court as well as the Investigating Officer. The applicant shall inform the about any change in residential address or contact details to the trial Court as well as the Investigating Officer.

- iv. The applicants shall not leave the State of Goa without prior permission of the trial Court.
 - v. Any violation of these conditions will be viewed seriously including the consequence of cancellation of anticipatory bail granted by this Court.
 - vi. The applicant shall surrender her passport to the Investigating officer. If she does not have a passport, the applicant must file an Affidavit before the Investigating Officer.
5. The applications stand disposed of in the aforesaid terms.

M. S. KARNIK J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
Date: 2023.03.15 10:54:41 +05'30'