

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

BAIL APPLICATION NO. 663 OF 2022

Sangeeta Nair

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Niranjan Mundargi a/w. Mr. Keral Mehta i/b. Mr. Pradeep Singh for the Applicant.

Mr. S.V.Gavand, APP for the State.

Mr. U.G.Angre , Head Constable from Kalachowky P.Stn.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : 28th MARCH, 2023.

P.C.

1. At the outset, learned Counsel for the Applicant seeks leave to amend the prayer clause as to incorporate the Special Case number in the prayer clause. Leave granted. Amendment to be carried out forthwith.

2. This is an application under Section 439 Cr.P.C. filed by the aforesaid Applicant, who is facing trial in MCOC Special Case No.14 of 2019 pending before the Sessions Court, Gr. Mumbai, arising from FIR No. 70 of 2019 registered at Kalachowky Police Station, for the offences punishable under Section 341, 395, 397,

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412, 201 r/w. 120-B of the Indian Penal Code and Section 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crimes Act, 1999 and under Section 37(1)(A) r/w. 135 of the Maharashtra Police Act.

3. Shri Nirajnan Mundargi, learned Counsel for the Applicant states that there is no prima facie material to show the involvement of the Applicant. The only allegation against the Applicant is that she is the wife of the Accused No.1 who is a Gang leader and that she had procured sim card for the co-accused, and had accompanied her husband to sell the gold. Shri Mundargi states that there is no admissible evidence against this Applicant, who is in custody since 04.06.2021.

4. Learned APP objects to the application on the ground that there is prima facie material to show involvement of the Applicant in the crime. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

5. The Applicant herein is the wife of the Accused No.1 who is stated to be a gang leader. The only accusation against the

Applicant is that she had procured sim card for the co-accused and that she had accompanied her husband to a goldsmith to sell the gold. Apart from the statement of the co-accused, there is no prima facie material on record to indicate that the Applicant is a member of crime syndicate headed by her husband. Hence, there is no impediment to grant bail despite rigor of Section 21(4) of the MCOC Act. The Applicant is in custody since June 2021. Till date charge is not framed. There is no possibility of the trial commencing or being concluded in the immediate future.

6. Considering the above facts and circumstances, in my considered view, this is a fit case for releasing the accused on bail. Hence, the order:-

- (i) The application is allowed;
- (ii) The Applicant-Sangeeta Nair, who is facing trial in MCOC Special Case No.14 of 2019 pending before the Sessions Court, Gr. Mumbai, be released on cash bail in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) for a period of six weeks.
- (iii) The Applicant shall, within the said period of six weeks

furnish P.R. Bond in the sum of Rs. 30,000/- (Rupees Thirty Thousand Only) with one or more sureties in the like amount;

(iv) The Applicant shall report to the police station on first day of every month between 11.00 a.m. to 2.00 p.m. from April, 2023 till the charge is framed;

(v) The Applicant shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;

(vi) The Applicant shall keep the Investigating Officer informed of her permanent as well as temporary address, if any, and her contact details, and/or change of residence or mobile details from time to time.

. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)