



PMB

29-BA-1805-23.odt

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

BAIL APPLICATION NO. 1805 OF 2023

HEENA AYYAZ SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Aniket Vagal a/w Mr. Kunal Pednekar a/w Mr. Divesh
Mehani for the Applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 01, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 302, 201 read with 34 of the
Indian Penal Code (hereafter 'IPC' for short), under Section
4(25) of Arms Act and under Sections 37(1), 135 of
Maharashtra Police Act registered vide C.R. No.1119 of
2019 with Hadapsar Police Station.

3. The FIR was registered on 23.11.2019. There are two
accused. The applicant is accused No.1. The applicant was

arrested on 23.11.2019. The applicant is a woman. She is in custody almost for three years and nine months. It is the allegation that the present applicant (original accused No.1) was having a love affair with the co-accused No.2. It appears that the applicant's husband became aware of the love affair. The accused No.2 decided to kill the applicant's husband. It is the accused No.2 who is assigned the main role of killing the deceased. The prosecution case is that the present applicant supported the accused No.2.

4. Learned APP while opposing the application for bail contended that the conduct of the applicant would disentitle her for relief of bail. It is pointed out that immediately after killing the husband of the applicant, the applicant along with her son left her home and it is only after the neighbours complained of foul smell that the dead body was found.

5. The applicant is a woman and incarcerated as an undertrial for more than three years and nine months. The trial is likely to take a long time to conclude as even the charge has not been framed. The main role is that of the accused No.2. The investigation is complete and the charge-

sheet has been filed. There are no criminal antecedents reported against the applicant. Considering the role of the applicant and the period now spent in custody, she can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Heena Ayyaz Shaikh in connection with C.R. No.1119 of 2019 registered with Hadapsar Police Station shall be released on bail on her furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Hadapsar Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish her contact number and residential address to

the Investigating Officer and shall keep him updated, in case there is any change.

- 6.** The application is disposed of.

(M. S. KARNIK, J.)