

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

ANTICIPATORY BAIL APPLICATION NO. 1949 OF 2023

Khalida Banu Bachdur Ahmed Ansari

..Applicant

v/s.

The State of Maharashtra

..Respondents

Ms. Anjali Patil a/w. Mallika Sharma for the Applicant.
Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 13th JULY, 2023.**

P.C.

1. The Applicant apprehends arrest in C.R.No.23 of 2023 registered with DCB, CID, Anti Extortion Cell, for offences under Section 384, 409, 411, 414, 420, 124 r/w. 120B of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by one Shajahan Mustafa. The facts narrated in the FIR prima facie indicate that he used to purchase gold, which was pledged but not collected by the owners, from several persons from Kerala. He used to melt the same and thereafter sell the same to the goldsmiths in Mumbai.

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He claims that about 10 years ago, he got acquainted with co-accused Samad Khan. The first informant used to send the gold through his employee Abdul Wasid, who used to hand over the same to the co-accused Samad. Said Samad used to sell the gold and return the money to the first informant through Abdul Wasid.

4. It is alleged that on 3.2.2022, the first informant sent 3500 grams of gold to Mumbai through Abdul Wasid. Said Abdul Wasid handed over the gold to the co-accused Samad. On 5.12.2022 the co-accused told the first informant that while he was returning home, some unknown persons intercepted his motorcycle and robbed the gold. On 6.12.2022, the first informant returned to Mumbai. He claims that co-accused Samad told him that the gold was with the co-accused Mansur, and that he would deliver the gold on payment of Rs.5 lakhs. On 7.12.2022, at the instance of the co-accused Samad and Mansur, the first informant paid an amount of Rs.5,00,000/- to one Altaf Bering. It is stated that despite payment of the said amount, the co-accused Samad and Mansur failed to return the gold. Hence the aforesaid crime came to be registered against said Samad, Mansur and Altaf.

5. In the course of the investigation, co-accused Samad and Mansur were arrested and subsequently released on bail. The Applicant is the mother of co-accused Mansur. Learned APP states that the statement of

sister of the Applicant revealed that Mansur had kept the gold with the Applicant herein. Learned APP concedes that till date, the first informant has not produced the receipts in respect of purchase of gold weighing 3500 grams. Besides, apart from the fact that the Applicant is the mother of Mansur, there is no other material to indicate that she was involved in the crime. The Applicant was granted interim protection during pendency of the bail application before the Sessions Court. No steps were taken to interrogate her or to recover the gold which is alleged to be in her possession.

6. Under the circumstances, in my considered view, no case is made out for custodial interrogation. Hence, the Application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.C.R.No.23 of 2023 registered with DCB, CID, Anti Extortion Cell, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount;

(ii) The Applicant shall report to the Investigating Officer for two days on 17th and 18th July, 2023, between 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer;

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time;

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)