



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

**BAIL APPLICATION NO.2089 OF 2023**

|                          |              |
|--------------------------|--------------|
| ASIYA KAMRUDDIN ANSARI   | ..APPLICANT  |
| VS.                      |              |
| THE STATE OF MAHARASHTRA | ..RESPONDENT |

-----  
Adv. Anjali Patil for the applicant.  
Ms. Veera Shinde, APP for the State.  
-----

**CORAM : M. S. KARNIK, J.**

**DATE : SEPTEMBER 21, 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, 120B read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 29.01.2023 vide C.R. No.I-105 of 2023 with Waliv Police Station, Palghar.
- 3.** Learned APP opposed the application for bail.
- 4.** It is alleged that one of the co-accused – Mobin @ Harishbhai Sayara Khan was having an affair with the

present applicant. The applicant's husband was coming in the way of their affair. It was therefore decided by the present applicant and the co-accused – Mobin to kill Kamaruddin. So far as the co-accused – Mobin is concerned, he has been enlarged on bail by the order dated 06.09.2023 passed by this Court. The relevant portion of the order reads thus :-

"3. The date of the incident is 27/1/2023. As per the information received from the informant Vishal Singh, one dead body was floating in water. The dead body was of deceased Kamaruddin. The case of the prosecution is that deceased Kamaruddin's wife (accused no.2) had an affair with the present applicant (accused no.4). It is the case of the prosecution that the deceased was creating hurdles in the relationship of the applicant and accused no.2 Aashiya. The applicant and the accused no.2 Aashiya, therefore, decided to kill Kamaruddin. For this purpose, they requested the accused nos. 1 Bilal and accused no.3 Sofiya to do the needful. It was agreed that the amount of Rs.1 lakh will be deposited by the applicant in the account of the accused nos.1 and 3. Learned APP relied upon the statement of the co-accused no.1 Bilal that the present applicant had given him a cash of Rs.20,000/-.

4. Except for the statement of the co-accused there is no incriminating material against the present applicant. The case is based on circumstantial evidence. The applicant is in custody from 1/2/2023. There are no criminal antecedents on record against the applicant. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk."

**5.** The accusations against the present applicant are on par with the ones made against the co-accused – Mobin

who has been enlarged on bail. In view of the order dated 06.09.2023 passed by this Court enlarging the co-accused – Mobin on bail, even the present applicant can be enlarged on bail.

**6.** The applicant is a woman. The applicant has two minor children of five and three years of age. There are no criminal antecedents reported against the applicant. The trial is likely to take a long time to conclude. Hence, the following order :-

### **ORDER**

- (a) The application is allowed.
- (b) The applicant-Asiya Kamruddin Ansari in connection with C.R. No.I-105 of 2023 registered with Waliv Police Station, Palghar 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 is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Waliv Police Station once in two months i.e. on first Monday of every alternate month between 11.00 a.m. and 1.00 p.m. commencing from October

2023.

(e) 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.

(f) 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.

**7.** The application is disposed of.

**(M. S. KARNIK, J.)**