



Diksha Rane

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

BAIL APPLICATION NO.2862/2023

NAGIYA FARHADSA RAFIC

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Misbaah Solkar a/w. Sumaiya Khan for the applicant.
Mr. P. H. Gaikwad, APP for the State.
API Nisha Chavan, Manpada Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 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 363, 364-A, 385 of the Indian Penal Code (hereafter 'IPC' for short) registered on 9/11/2022 vide C.R. No.854/2022 with Manpada Police Station, Thane City.
- 3.** The date of the incident is 9/11/2022. It is alleged that the accused nos.1 and 2 have abducted the child who was in 7th standard. The applicant is the accused no.3. The

abduction was by the accused no.1 and 2. The applicant was present in the house where the child was kept overnight. A call for ransom was made by the accused nos.1 and 2 to the child's father.

4. I have carefully perused the statement of the child witness which is at page 292 of the paper-book.

5. Learned APP opposed the application for bail.

6. The applicant is a woman. The allegations are mainly against other accused. In the facts and circumstances of the case and considering the role of the applicant, I am inclined to enlarge the applicant on bail. There are no criminal antecedents reported against the applicant. The applicant was arrested on 13/11/2022 and now is in custody for more than one year and one month with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- a) The application is allowed.
- b) The applicant- Nagiya Farhadsa Rafic in connection

with C.R. No.854/2022 registered with Manpada Police Station, Thane City, shall be released on bail on her furnishing P.R. Bond of Rs.15,000/- with one or more local sureties in the like amount.

c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.

d) The applicant shall attend the Investigating Officer of Manpada Police Station, Thane City, once in three months on first Saturday of the month between 11:00 a.m. to 1:00, till further orders of the trial Court.

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.

g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

h) The applicant shall surrender her passport, if any, to the investigating officer.

7. The application is disposed of.

(M. S. KARNIK, J.)