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

BAIL APPLICATION NO.2971 OF 2023

YASMIN SALIM AHMAD SHAIKH	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Anjali Patil for the Applicant.

Ms. Veera Shinde, APP for the State.

PSI Madan Waghmare, Khar Police Station, Mumbai.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 26, 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 420, 465, 467, 468, 452, 143, 147, 504, 506, 380, 209, 120B, 471, 427, 419 of the Indian Penal Code (hereafter 'IPC' for short) registered on 13.04.2022 vide C.R. No.404 of 2022 with Khar Police Station.
- 3.** There are in all seven accused. The applicant is the accused No.2. The prosecution case in brief pertains to the

consent terms which were presented before the Lok Adalat. The dispute pertains to a property. The property belongs to one Smt. Pushpa Gidwani who is the defendant in the suit filed before the City Civil Court. The advocate for the plaintiff, who is the accused No.4 had tendered the consent terms duly signed by the said defendant-Smt. Pushpa Gidwani. Since Smt. Pushpa Gidwani was not personally present before the Lok Adalat, a video call was made purportedly to the defendant-Smt. Pushpa Gidwani. Instead of Smt. Pushpa Gidwani, the applicant appeared on the WhatsApp call and portrayed herself as Pushpa Gidwani.

4. Learned APP opposed the application for bail. It is submitted that the applicant has an active role and the accusations against the applicant are serious as she has tried to project herself as defendant-Smt. Pushpa Gidwani on WhatsApp video call.

5. My attention is invited to the order dated 02.09.2023 passed by the learned Sessions Court of Greater Bombay granting bail to the accused No.3-Rajkumar Kalav Kori. The accused No.1-Riyaz Khatri is the main accused who is the

plaintiff in the suit. In paragraph 9 of the order dated 02.09.2023 passed by the Sessions Court, it is observed that the role of the accused No.3-Rajkumar Kalav Kori is to the extent that he willfully showed Smt. Yasmin Shaikh (the present applicant) in the place of Smt. Pushpa Gidwani on the video call of Court. It is further observed that the documents are already in possession of the police. While granting bail to the co-accused No.3-Rajkumar Kalav Kori stringent conditions have been imposed.

6. My attention is also invited to the order granting pre-arrest bail in respect of the concerned advocate who is the accused No.4-Rakesh Shrinath Dubey by this Court on 12.09.2022. There is nothing on record to indicate that the applicant is a beneficiary in respect of the offence. The main accused is the accused No.1 who as a plaintiff was interested in the property of the defendant-Smt. Pushpa Gidwani. The applicant was arrested on 10.03.2023 and is now in custody for more than seven months. The applicant is a woman. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents

reported against the applicant. In the facts and circumstances of the present case, further considering that the co-accused No.3-Rajkumar Kalav Kori who was the one who willfully showed the applicant in the place of Smt. Pushpa Gidwani on the video call has been enlarged on bail, even the applicant can be enlarged on bail, as any further custody of the applicant will only be by way of pre-trial punishment. As observed by the Sessions Court the documents are already in possession of the police. The applicant does not appear to be a flight risk. The applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Yasmin Salim Ahmad Shaikh in connection with C.R. No.404 of 2022 registered with Khar 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 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 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.

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

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

(h) The applicant shall not leave India without prior permission of the trial Court.

7. The application is disposed of.

(M. S. KARNIK, J.)