



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

**INTERIM APPLICATION NO. 4002 OF 2023
IN
BAIL APPLICATION NO. 2835 OF 2023**

HUSSAINBI FAQEER SHAIKH

..APPLICANT

VS.

UNION OF INDIA AND ANR.

..RESPONDENTS

Ms. Kainat Sayyed i/b Ms. Suvidha Patil i/b Patil Associates,
for the Applicant.

Ms. Veera Shinde, APP for the State.

Ms. Manisha Jagtap, for NCB.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 1, 2023

P.C. :

1. Heard learned counsel for the applicant and respondents.
2. The interim application is filed for enlarging the applicant on temporary bail on account of wedding of the applicant's son which is to take place on 05/11/2023 at Malabar Hill, Mumbai. The invitation card is placed on record. The applicant has prayed for releasing the applicant on bail for a temporary period of 10 days. Learned counsel for the respondent no.1 confirmed the fact that there are no criminal antecedents reported against the applicant. The

applicant was found in possession of 1 kg and 800 grams of Charas which is a commercial quantity. The applicant is in custody from July 2021 almost for a period of 2 years and 3 months. Learned counsel for the respondent no.1 opposed the application. It is submitted that if at all this Court is inclined to enlarge the applicant on bail then it has to be on condition which should be under escort the charges of which should be borne by the applicant.

3. Considering that the applicant's son is getting married and that he is in custody for more than 2 years and 3 months and there are no criminal antecedents reported against the applicant, in my opinion, the applicant can be enlarged on temporary bail as the regular bail application is pending consideration on merits. There are no criminal antecedents, the applicant is unlikely to misuse her liberty. Hence, the following order.

ORDER

(a) The interim application is allowed.

(b) The applicant- Hussainbi Faqeer Shaikh in connection with C.R. No. 66 of 2021 registered with NCB, Mumbai shall be released on temporary bail on her furnishing P.R. Bond of Rs.50,000/- with

one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- in lieu of surety for 15 days.

(d) During this period, the applicant shall report the NCB office on 04/11/2023 and 08/11/2023 between 10.00 a.m. and 1.00 p.m.

(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 temporary 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 surrender on or before 15/11/2023.

(h) The parties to act on authenticated copy of this order.

4. The interim application is disposed of
5. List the bail application on 28/11/2023, fairly high on board considering that the applicant is a woman and is in custody as an undertrial for over two years.

(M. S. KARNIK, J.)