

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.94 OF 2024

Asha @ Narmada Soheb Khan	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Shrivang Sawalkar a/w. Ms. Sabiha Sayed, Ms. Manjiri Dhuri, Ms. Sunanda Shinde, Ms. Pallavi Jadhav and Ms. Mumtaz Mulani, for the Applicant.

Mr. S.R. Agarkar, APP, for the Respondent/State.

Mr. R.S. Sonawane, Sr. PI, Crime Branch, Ulhasnagar.

CORAM : N. J. JAMADAR, J.

DATE : JANUARY 12, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. The applicant who is arraigned in C.R. No. 380 of 2021 registered with Ulhasnagar police station for the offences punishable under section 381 read with 34 of Indian Penal Code, 1860 seeks to be enlarged on bail.
3. The first informant lodged a report with the allegations that the applicant was working as a housemaid with the first informant since one month prior to the alleged occurrence.
4. The applicant had allegedly committed theft of the gold ornaments worth Rs. 4,68,000/- on 2nd December, 2021.

5. The learned counsel for the applicant submitted that the applicant has been in custody for more than three years. It is unlikely that the trial can be concluded in near future.

6. The learned APP stoutly resisted the prayer for bail. It was submitted that the applicant is a habitual offender. Number of identical offences have been registered against the applicant during the period 2007 to 2020. The applicant will indulge in identical offences if released on bail. It was further submitted that the stolen property worth Rs. 4,50,000/- has been recovered from the applicant.

7. I have perused the allegations in the FIR and the documents annexed with the report under section 173 of the Code. The report submitted by the investigating officer indicates that a number of crimes have been registered against the applicant.

8. The learned counsel for the applicant submitted that in none of the offences the applicant has been convicted.

9. The offence punishable under section 381 of the Penal Code entails punishment for seven years. The applicant has been in custody for more than three years. It is unlikely that the trial can be concluded in near future. In the circumstances, the applicant deserves exercise of discretion. The apprehension on the part of the prosecution can be taken care by imposing conditions.

Hence, the following order.

ORDER

- 1] The application is allowed.
- 2] The applicant Asha @ Narmada Soheb Khan be released on bail in C.R. No.380 of 2021 registered with Ulhasnagar police station, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.
- 3] The applicant shall mark her presence at Ulhasnagar police station on the first Monday of every alternate month in between 11 am to 1 pm till conclusion of trial.
- 4] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.
- 5] 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.
- 6] The applicant shall regularly attend the proceedings before the jurisdictional Court.
- 7] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of

the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N. J. JAMADAR, J.)