

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

BAIL APPLICATION NO. 4250 OF 2023

Farida Aslam Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Sandeep D. Shekhare, for Applicant.

Mrs. Geeta P. Mulekar, APP for State/Respondent.

CORAM:- N. J. JAMADAR, J.

DATED:- 5th JANUARY, 2024

PC:-

- 1) Heard the learned Counsel for the applicant and the learned APP for the State.
- 2) This application is preferred for bail in connection with CR No. 1982 of 2022 registered with Sakinaka police station, Mumbai, for an offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").
- 3) The gravamen of indictment against the applicant is that the applicant had induced the first informant to part with amounts by making a representation that the applicant was the owner of the premises and she would offer the same to the first

informant on a heavy deposit. The applicant did not deliver possession of the said room despite accepting a sum of Rs.4,00,000/-from the first informant. A cheque drawn by the applicant towards the repayment of part of the amount was also dishonoured on the presentment. It further transpired that the applicant had deceived other persons in a similar fashion.

4) The learned Counsel for the applicant submits that the applicant has been in custody since March, 2023. The offence under Section 420 of the Penal Code entails punishment, which may extend to seven years.

5) The learned APP resisted the prayer for bail. I have perused the report under Section 173 of the Code of Criminal Procedure, 1973 and the documents annexed with it. The offence entails punishment which may extend to seven years. The learned Magistrate as well as the Court of Session have rejected the application for bail, observing that the trial has commenced. It is unlikely the trial can be completed the near future. A number of witnesses are to be examined by the prosecution. The applicant is a woman.

6) Having regard to the nature of the accusation and the punishment the offence entails, further detention of the applicant seems unwarranted. Applicant seems to have roots in

the society. Possibility of tampering with evidence and fleeing away from justice seems remote.

7) I am, therefore, inclined to exercise the discretion in favour of the applicant.

8) Hence, the following order:

: O R D E R :

(i) The application stands allowed.

(ii) The applicant Farida Aslam Shaikh be released on bail in CR No. 1982 of 2022 registered with Sakinaka police station, Mumbai, for an offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860, on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the learned Sessions Judge.

(iii) The applicant shall mark her presence at the concerned Police Station on the first Monday of every alternate month between 10.00 am to 12.00 noon for a period of two years or till conclusion of trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

(v) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of 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.

[N. J. JAMADAR, J.]