

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.94 OF 2025

Ilaben Bharatbhai Mistry

...Applicant

vs.

The State of Maharashtra and Ors.

...Respondents

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PAREKAR

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Mr. Sayyad Tahiya Qurbanali a/w. Mr. Nazmin Shaikh, for the Applicant.

Mr. P.P. Devkar, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 11, 2025

P.C.:

1. Heard the learned counsel for the parties.
2. The applicant, who is arraigned in C.R. No. 1360 of 2022 registered with Malad police station for the offences punishable under sections 406, 409 and 420 read with 34 of Indian Penal Code, 1860, seeks to be enlarged on bail.
3. The indictment against the applicant and the co-accused is that Sapna Bhat, the co-accused, an empanelled valuer has submitted false valuation reports of the quantity and purity of the ornaments pledged and thereby deceived the bank to advance gold loans to many customers, including the applicant. It is alleged that the applicant had availed loan of Rs. 14,79,000/-.
4. The applicant came to be arrested on 27th June, 2023. Investigation is complete for all intent and purpose. The offence

under section 420 of the Penal Code, for which the applicant be arraigned, entails punishment which may extend to seven years. The applicant is a woman. Further detention of the applicant as an under-trial prisoner does not seem warranted.

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

Hence, the following order.

ORDER

1] The application stands allowed.

2] The applicant Ilaben Bharatbhai Mistry be released on bail in C.R. No. 1360 of 2022 registered with Malad 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 Malad police station on the first Monday of every alternate month between 11 am to 1 pm till conclusion of the 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.)