

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

Anticipatory Bail Application No. 2081 of 2025

Afsana Bashir Mansuri
Aged 49 years, Occ. Service,
Permanent Resident of Room
No.12, Bukhari Building,
1st Floor, Mutton Street,
Mumbai – 400 003.

... Applicant

versus

The State of Maharashtra
(At the instance of Koper Khairane
Police Station at C.R. No. 344 of 2025)

...Respondent

Mr Husen Shaikh a/w Ms Saima Khan, for the Applicant.
Mr S V Walve, APP, for Respondent / State.

Coram: R.N. Laddha, J.

Date: 1 August 2025

P.C.:

. This is an application for pre-arrest bail filed by the applicant, who is apprehending arrest in connection with CR No.344 of 2025, registered at Koper Khairane Police Station, Navi Mumbai, for offences punishable under Sections 305, 331(3) and 331(4) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 7 April 2025, between 2:40 p.m. and 8:15 p.m., an unknown individual stole 604.810

grams of gold and cash, totalling Rs.29,79,300/- from the informant's residence. During the investigation, it was discovered that the applicant was the recipient of the stolen ornaments.

3. Mr Husen Shaikh, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. He submits that the applicant is the mother of accused Nos.2 and 3, and mother-in-law of accused No.1. Due to familial disputes, the applicant does not get along with them. The applicant's son and daughter, the co-accused, purchased jewellery from Shah Jewellers on 14 April 2025. During the investigation, the police collected the CCTV footage of the shop and found that the applicant never visited the jewellery shop; instead, her son and daughter went there and purchased jewellery in her name. There is no material on record to substantiate the prosecution's claim that the applicant knowingly received the alleged stolen property. The learned Counsel further submits that the alleged property has already been recovered, and nothing is to be recovered or discovered from the applicant. The applicant is ready to abide by any conditions this Court imposes if granted pre-arrest bail.

4. Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, opposing the applicant's request for pre-arrest bail, contends that the offence is of a serious nature. He submits that accused No.1 handed over the stolen ornaments to the applicant, who, in turn, gave them to accused No.2 for sale. If the applicant is granted pre-arrest bail, she may tamper with the evidence or influence witnesses.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar.

6. Upon perusing the records, it emerges that the applicant appears to have been implicated primarily on the basis of the statement made by a co-accused. According to the prosecution, the co-accused allegedly handed over a portion of the stolen gold ornaments to the applicant, who then purportedly purchased gold ornaments from Shah Jewellers on 14 April 2025. However, during the course of investigation, the investigating officer procured CCTV footage from the said jewellery shop dated 14 April 2025. The footage reveals that the applicant herself did not visit the shop on the relevant date. Instead, it was her son and daughter, both of whom are co-accused in the present case, who went to shop and made the purchase in her name. At this stage, there appears to be no direct or substantial evidence on record linking the applicant to

the commission of the alleged offence. The prosecution's apprehensions about evidence tampering and witness influence can be addressed by imposing appropriate conditions.

7. In light of the above circumstances, this Court finds it appropriate to exercise its discretion in favour of the applicant. Accordingly, the application is allowed and the following order passed.

ORDER

(i) In the event of the applicant's arrest in CR No.344 of 2025, registered at Koper Khairane Police Station, Navi Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, herself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall attend the concerned Police Station as and when required by the investigating officer.

8. The application stands disposed of accordingly.

[R.N.Laddha, J.]