

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4907 OF 2025**

Nilofar Huzaifa Jalgaonkar ...Applicant
Versus
State of Maharashtra and Anr. ...Respondents

**WITH
INTERIM APPLICATION NO.276 OF 2026
IN
BAIL APPLICATION NO.4907 OF 2025**

Saba Vasim Kamora ...Applicant
Versus
State of Maharashtra and Anr. ...Respondents

Mr. Taraq Sayed a/w Anish Pereira, Ashwinii Achari and Abdul Wahab Shaikh, *for the Applicant.*

Ms. Anuja S. Gotad, *APP for the Respondent - State.*

Ms. Sandhya Mailagir i/by Anil D. Joshi, *for the Intervenor/Applicant in IA/276/2026.*

API – Kedar Rohit, Mumbra Police Station, Thane City, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 23RD FEBRUARY 2026

PC:-

1. Mentioned out of turn.

2. By this Application, the Applicant seeks her enlargement on bail in connection with C.R. No.963 of 2025 dated 1st June, 2025, registered with the Mumbra Police Station, for the offences punishable under Sections 118(2), 115(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short '**BNS**').

3. The brief facts of the prosecution case are that the Applicant and the deceased were married to each other, and out of the said wedlock, a daughter was born. The Applicant had previously been married and had two children from her earlier marriage. While the deceased was in jail for some petty offence, the Applicant ran away with another person called Huzaifa @Saif, who is Accused No.2. She subsequently married Huzaifa, which was her third marriage. The Applicant took her two sons also along with her to reside with Huzaifa.

4. It is alleged by the prosecution that on 1st June, 2025 at about 07:30 a.m., Shifan, the Applicant's son from her

earlier marriage, went to the residence of the deceased and informed him that his daughter Aarika was seriously ill and had been admitted to the hospital. The deceased was further told that the child was continuously asking to see her father. At that time, Nilofar (the present Applicant) and Accused No.2 were also present at the house of the deceased. The deceased informed his sister that he was going to see his daughter in the hospital and left. While he was near the building of the said hospital, Shifan Shaikh and Accused No.2 assaulted the deceased with a sharp knife and stabbed him multiple times on his back and waist. The deceased fell to the ground due to the attack. However, Accused No.2 continued the assault him, repeatedly stabbing him on his chest and on other parts of body, causing eighteen injuries. Consequently, he succumbed to his injuries. Thus, the Applicant and co-accused were arrested on 4th June, 2025 pursuant to registration of the FIR.

5. The Applicant made an application seeking bail before the Additional Sessions Judge, Thane. However, by

order dated 9th December, 2025, the said application was rejected. Hence, the Applicant has filed the present application for the relief as prayed.

6. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

7. A plain reading of the FIR indicates that the only role attributed to the Applicant is that she along with her husband Huzaifa, the co-accused went to the house of the deceased on the fateful day of the incident to call him to the hospital to see his daughter. Since the deceased did not show up, once again Accused Nos.1 and 2 went to call him. Thereafter, on the way to the hospital, Accused Nos.1 and 2 the deceased and inflicted injuries that led to his death. No specific role is attributed to the present Applicant in any manner in causing assault. She may have encouraged the co-accused to assault the deceased but there is no overt act attributed to her.

8. Mr. Sayed, learned counsel for the Applicant, submits that the Applicant has given birth to a child who is now three months of age. The child is left in the hospital as the Applicant is in custody, and there is nobody to take care of the child. Considering that there is no specific role attributed to the present Applicant; that she has been in custody for the past six months; and considering the fact that she has recently given birth to a child, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

iv) The Applicant shall not enter the jurisdiction of Mumbra Police Station, until the conclusion of the trial;

v) If the Applicant has not deposited her passport, if any, the Applicant shall deposit the same with the Police Station concerned;

vi) The Applicant shall not leave India, without the permission of the Trial Court;

vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

viii) The Applicant shall inform her latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court

seized of the matter and to the Investigating Officer of the Police Station concerned;

ix) The Applicant to co-operate with the conduct of the trial;

x) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Bail Application is allowed in the above terms and is accordingly disposed of.

10. In view of disposal of Bail Application, nothing survives for consideration in the Interim Application, the same is also disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)