

CNR NO.MHCC02-017023-2022

IN THE COURT OF SESSIONS FOR GREATER BOMBAY

ANTICIPATORY BAIL APPLICATION No.2778 OF 2022

Ms. Sana Parveen Md. Yunus Shaikh
Aged 32 years, Occ : Service,
R/o 1/B/14, Kosmo Apartment,
Cosmos CHS, Samshuddin Nagar,
Jarimari, Sakinaka, Mumbai 400 072.Applicant

- Versus -

The State of Maharashtra
(Through V.B. Nagar Police station,
vide Cr. No.262/2022) Respondent

Appearance :-

Mr. APP Lade Adv. for State present.
Lawate Adv. for Applicant/accused.

**CORAM : SHRI. S.D. KULKARNI,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM No. 30.**

DATED :07th January, 2023

ORDER

. This is an application filed u/sec.438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in connection with C.R. No.262/2022 registered at V.B. Nagar Police Station for the commission of offence under Section 420,406 34 of the Indian Penal Code.

2. It is alleged by the applicant / accused that the applicant is doing the service as a customer support executive. She is nothing to do with what happened in the life of her brother. She is not at all involved

in the commission of offence. Her brother Yusuf is having love relation with the daughter of the informant. Previously also family members of the informant lodge report against the applicant, her brother and family members. The informant lodged false report against her and she is falsely implicated in this crime. The applicant / accused is ready to cooperate with the police.

3. The prosecution mainly opposed the application on a ground that if applicant / accused is release on bail then seizure of golden ornaments will get difficult. So for seizure of golden ornaments custodial interrogation of the applicant / accused is necessary. Hence, prayed for rejection of the application.

4. Perused report, documents filed on record. Heard both the advocates at length.

5. On going through the report it reveals that the main or principle accused who is brother of the applicant having love affair with the daughter of the informant. Previously also applicant / accused his brother and mother was involved in the commission of offence of section 376 and other section of the POCSO by the informant. So it shows that there was strained relations in between the applicant / accused and the informant. The contention of the informant that on 08.01.2020 the brother of the applicant / accused Yusuf had been to the house of the informant and at that time he stolen amount of Rs.7,45,015 and golden ornaments. The report itself said that on 08.01.2020 the wife of the informant get knowledge that the co-accused has stolen some golden ornaments and Rs.7,45,015 from the cupboard of the informant but the report was lodged at 04.05.2022 so there is

huge delay in lodging report which is unexplained.

6. The prosecution reply states that the applicant / accused has sold golden ornaments in the shop of Arihant Jewellers. Therefore, to seized the said property custodial interrogation of the applicant / accused is not necessary. Therefore in my opinion considering the strain relationship between the parties because of the love affair in between the co-accused i.e. the brother of the applicant and daughter of the informant. There is delay of lodging report. In my opinion applicant is permanent resident of Mumbai. The applicant / accused said that she is doing job of customer support executive therefore matter can be investigated without her arrest considering this I pass the following order :

ORDER

1. Anticipatory Bail Application No.2778 of 2022 is allowed.
2. Applicant / accused Ms. Sana Parveen Md. Yunus Shaikh is ordered to be released on executing on P.B. Rs.15,000/- with one or two sureties of like amount in the event of arrest in Crime Number 262/2022 registered at V.B. Nagar Police Station under Section 420,406 34 of the Indian Penal Code :
 - b. that the applicant / accused shall not, directly; or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
 - c. that the applicant / accused shall not leave India without the previous permission of the Court.
3. The applicant / accused shall attend the said police station between 11:00 am. to 04:00 p.m. on every Saturday till filing of the

charge sheet or further order.

4. The applicant / Accused not to tamper with the prosecution witnesses and evidence in any manner.
5. Provisional cash bail allowed for 4 weeks from today.
6. Anticipatory Bail Application. No.2778 of 2022 is disposed off accordingly.



Date : 07/01/2023.

(**S.D. KULKARNI**)
Additional Sessions Judge,
Gr. Mumbai.

Dictated on : 07.01.2023
Transcribed on : 09.01.2023
Signed by HHJ on : 09.01.2023

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
11/01/2023	11.10 a.m.	J.S. Chavan
UPLOAD DATE	TIME	NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.)	H. H. Additional Sessions Judge Shri. S.D. KULKARNI, Court Room No. 30.
Date of Pronouncement of ORDER	07/01/2023
ORDER signed by P.O. on	09/01/2023
ORDER uploaded on	11/01/2023