

CNR: MHCC03-000322-2019

IN THE SESSIONS COURT FOR GR.BOMBAY
AT BOMBAY

ORDER BELOW EXHIBIT -7
IN
SESSIONS CASE NO. 93 OF 2019
(C.R.NO.4223 OF 2018)

Rubi @ Julie Khatun Shaikh
Age-25 years, Occ:Housewife
R/o. Govindwadi, behind Ratan
Hospital, Isanpur, Ahamadabad,
Gujrat.

.. Applicant/accused

V/s

State of Maharashtra
(Through Kurla Railway
Police Station)

.. Respondent

Appearances:

Mr. Pramod S. Kumbhar, Adv. for applicant/Accused.
Mrs. Veena Shelar, APP for State/Respondent.

**Coram : Shri R.M.Sadrani, Addl. Sessions Judge.
(C.R.No.23)**

DATED : 05th April, 2019.

ORDER

This is an application under section 439 of Code of Criminal Procedure for the grant of regular bail to the applicant/accused Rubi @ Julie Khatun Shaikh in C.R.No.4223 of 2018 of Kurla Police Station for the offence punishable under section 328, 379, 411 r/w 34 of Indian Penal Code.

2. The Ld. Adv. Mr. Pramod Kumbhar for the accused/applicant argued that as per the case of prosecution on 01/10/2018, the informant Vikas Prabhakar Chougule traveling in the Koimbtur Express (No.11013). During his travel, he acquainted with two women and one gent. Thereafter, informant purchased cold drink known as Maza. He offered that cold drink to those known persons. Meanwhile, someone mixed with stupefying substance in that cold drink. Thereafter, informant went unconscious. Lateron, he came to know that his mobile and gold chain was stolen. Accordingly, he lodged the report.

3. During investigation, police traced out the mobile and recovered from the accused no.1 Mohamad Shadab Imran Farukhi. The sister of the accused no.1 Shahistha Farukhi yet to be arrested. The police arrested the present applicant. During the identification parade, the informant identified her as she was present in the train. However, no any active role is assigned to the present applicant that she mixed any substance in the cold drink. Advocate for the accused, argued that the mobile is already recovered. The applicant is behind the bar since 13/12/2018. There is no any recovery from her. He requested that the applicant be released on regular bail on any condition.

4. On the contrary, I.O. and APP opposed the application. Both submitted that the present applicant is a resident of Govindwadi, Isanpur, Gujrat. If she is released on bail, she will not be available for trial. In identification period, informant identified the applicant as her presence in the train. Both requested for rejection of the bail application.

5. After hearing both the sides, I have gone through the record of the present case. The muddemal mobile is already recovered. There is no any recovery of gold chain from the present applicant. As per the case of the prosecution, she was in company with the other accused in the train. Except, there is no any other material on record. Considering the facts and circumstance, I am inclined to grant bail and pass the following order:-

ORDER

1. Bail Application (Exh. 7) is allowed.
2. Applicant/Accused Rubi @ Julie Khatun Shaikh be released on executing PR bond of Rs. 20,000/- with one or two sureties of like amount.
3. Applicant to furnish her detailed address, phone number to the Court at the time of furnishing bail.
4. Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against her so as to dissuade him from disclosing such facts to the Court or to any police officer.
5. Applicant shall not leave India without previous permission of the Court.
6. Provisional cash bail is permitted for two months.

7. Bail Application (Exh.7) is disposed off accordingly.

(R. M. Sadrani)

Addl. Sessions Judge, Sessions Court,

Gr. Mumbai

Dated : 05/04/2019.

Dictated on : 05/04/2019

Transcribed on : 08/04/2019

Signed on : 08/04/2019

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”

UPLOAD DATE AND TIME
08/04/2019, 5.30 p.m.

NAME OF STENOGRAPHER
Mrs. V.V.Malgaonkar

Name of the Judge (with Court Room no.)	HHJ Shri R.M. SADRANI (Court Room No.23).
Date of Pronouncement of Judgment/Order	05/04/2019
Judgment/Order signed by P.O. on	08/04/2019
Judgment/Order uploaded on	08/04/2019