

IN THE COURT OF SESSIONS FOR GREATER MUMBAI AT MUMBAI

BAIL APPLICATION NO. 1094 OF 2020 IN

C.R. NO. :280 OF 2020

- | | |
|-------------------------------------|--------------------------|
| 1) Mohammed Riyaz, |] |
| Age : 44 years, Occ. : Business |] |
| 2) Miftakhul Huda Saidi, |] |
| Age : 44 years, Occ. : Business |] |
| 3) Siana Suradi Poncokromo, |] |
| Age : 42 years, Occ. : Housewife |] |
| 4) Parmin Mantorejo Muhammad, |] |
| Age : 42 years, Occ. : Business |] |
| 5) Nelvia, |] |
| Age : 40 years, Occ. : Business |] |
| 6) Yusri Aminah, |] |
| Age : 27 years, Occ. : Housewife |] |
| 7) Mukti Ali Bn Abdul Majed, |] |
| Age : 36 years, Occ. : Business |] |
| 8) Melisa, |] |
| Age : 27 years, Occ. : Housewife |] |
| 9) Muawanah Abdul Malik |] |
| Age : 42 years, Occ. : Housewife |] |
| 10) Eka Fadhilla Pratiwi |] |
| Age : 35 years, Occ. : Housewife |] |
| All are permanent resident of |] |
| Indonesia and presently resident of |] |
| Zarina CHS, S.V. Road, Bandra (W) |] |
| Mumbai – 400 050 |] ... Applicant/accused. |

Vs.

:2:

BA No.1094/2020

The State of Maharashtra]
(Bandra Police Station, Mumbai]
vide C.R. No.280 of 2020)]...Respondent

Appearances :-

Mr. Tarak Sayyed, Ld. Advocate for the Applicant.

Mr. Siroya, Ld. A.P.P. for Respondent/State.

**CORAM : H. H. THE ADDL. SESSIONS JUDGE,
SHRI V.V. KATHARE
(LOCK DOWN COURT NO.4)
DATED : 08TH MAY, 2020.**

(O R A L O R D E R)

(Dictated and pronounced in the open Court)

This is an application for regular bail under Section 439 of Cr. P.C. filed by the applicant consequent to their arrest for the offences punishable under Sections 188, 269, 270, 304 (2) and 307 of IPC r/w Sections 3 and 4 of Epidemic Disease Act, r/w Section 21 of Maharashtra Covid-19 Rules 2020 r/w Section 14 (B) of Foreigners Act r/w Section 51 of National Disaster Management Act 2005, at the instance of Bandra police station, Mumbai. Presently the applicants/accused are in judicial custody.

2. The survey of prosecution case revealed that applicants/accused are permanent residents of Indonesia, Jakarta having valid passport and viza. They are presently residing at Flat No.502, 5th floor, Zarina CHS Ltd., Bandra (W), Mumbai – 400 050. FIR No.280 of 2020 is registered against them.

3. It is contended that the applicants came to India on 29.02.2020 and 2.03.2020. On 7.03.2020 they left Delhi by train and reached Mumbai. Thereafter, the competent authority quarantined all the applicants and they have undergone Covid-19 test for which they tested negative.

4. It is alleged that the applicants disobeyed the order of Authorities as mentioned in the FIR, however, there is no material to show that applicants had any mensrea to commit the alleged offence. The applicants are ready to abide by the terms and conditions, if released on bail.

5. The respondent through Sr. PI of Bandra police station resisted the petition by filing reply. It is contended that the applicants knowing well have defied the statutory order resulting into apprehension to the life of community members. It is contended that they have violated the terms of visa and there is every likelihood of fleeing from the course of justice if release on bail. Hence, prayed for rejection of bail application.

6. Having heard Ld. Advocate for applicant, Ld. APP on record it is evident that the applicants have entered in India on the basis of valid passport and viza. The basic contention of respondent that the applicants have defied statutory order of lockdown promulgated by the competent authority and caused grave danger to the spread of infectious disease. However, admittedly all the applicants/accused have been tested negative to the Covid-19 test. Therefore, there is no propriety in contending that they are responsible for spreading the infectious Covid-19.

7. Further the report nowhere disclosed that the applicants are involved in spreading Covid-19, as they themselves have been tested negative. The accused are foreigners and entered India with valid passport and visa. The allegations under Sections 304 (2) and 307 of IPC prima facie not attracted to the fact situation. Considering the exceeding strength of inmates in the jail, it is not desirable to allow the applicants to languish in the same situation.

8. In the result the application deserves to be allowed with following terms and conditions :-

ORDER

1. Criminal Bail Application No.1094 of 2020 in C.R. No.280/2020 is allowed.

2. The applicants/accused 1) Mohammed Riyaz, 2) Miftakhul Huda Saidi, 3) Siana Suradi Poncokromo, 4) Parmin Mantorejo Muhammad, 5) Nelvia, 6) Yusri Aminah, 7) Mukti Ali Bn Abdul Majed, 8) Melisa, 9) Muawanah Abdul Malik and 10) Eka Fadhilla Pratiwi in supra C.R. number vide Sections 188, 269, 270, 304 (2) and 307 of IPC r/w Sections 3 and 4 of Epidemic Disease Act, r/w Section 21 of Maharashtra Covid-19 Rules 2020 r/w Section 14 (B) of Foreigners Act r/w Section 51 of National Disaster Management Act 2005, registered with Bandra police station, Mumbai released on bail on furnishing PR bond of Rs.25,000/- each with one or two solvent sureties in the like amount.

3. The prayer of provisional cash bail in the like amount is allowed for a period of two months from the date of depositing the cash bail with the incharge of the Bandra police station who shall also accept the PR bonds of the named applicants and shall submit the same alongwith

charge-sheet in the concerned Court.

4. The applicants shall not leave jurisdiction of this Court without further order and shall quarantine themselves in the place of their last residence i.e. Flat No.502, 5th floor, Zarina CHS Ltd., Bandra (W), Mumbazzi – 400 050.

5. The applicants shall deposit their passports and visas with the Investigating Officer as condition precedent for their release on bail.

6. Any breach of condition noted supra shall be a ground for the cancellation of bail without any further order.

7. The applicants shall co-operate with the Investigating Officer.

8. The authorities concerned to act upon authenticated copy of this order.

9. Criminal Bail Application No. 1094 of 2020 in C.R. No.349/2019 is disposed of accordingly.

Date : 08.05.2020.

[V.V. KATHARE]
CBI SPECIAL JUDGE
GREATER MUMBAI

Dictated on : 08.05.2020.
Typed on : 08.05.2020.
Singed by HHJ on : 08.05.2020.

:6:

BA No.1094/2020

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

08.05.2020, 6.15 p.m.

Mrs. Prajwala V. Phodkar

UPLOAD DATE AND TIME

NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SHRI B.V. WAGH (Court Room No.56)
Date of Pronouncement of JUDGEMENT/ORDER	08.05.2020.
JUDGEMENT/ORDER signed by P.O. on	08.05.2020.
JUDGEMENT/ORDER uploaded on	08.05.2020.

