

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**INTERIM TRANSIT/ANTICIPATORY BAIL**

**APPLICATION NO. 131 OF 2024**

MRS. ASHWINI ULHAS KADAM

...APPLICANT

VERSUS

THE STATE OF MAHARASHTRA  
THROUGH Samata Nagar Police Station  
Kandivali- (East), Mumbai.

...RESPONDENT

(Application u/s. 438 of the Criminal Procedure Code, 1976)

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Place : Mumbai

Date : \_\_.02.2024

Advocate for Applicant

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**INTERIM TRANSIT/ANTICIPATORY BAIL**

**APPLICATION NO. 131 OF 2024**

MRS. ASHWINI ULHAS KADAM )

Aged: 35 years, Occupation: Business,)

An Adult, of Mumbai, Indian Inhabitant,)

Residing at Room No. 56, Dube Chawl,)

Samata Nagar, Kandivali- (East), )

Mumbai- 400 101. ) ...APPLICANT

**VERSUS**

THE STATE OF MAHARASHTRA )

Through Samata Nagar Police Station )

Akurli Road, Kandivali- (East), )

Mumbai- 400 101. ) ...RESPONDENT

(Offences u/s. 124A, 153, 153A and 120B  
of the Indian Penal Code, 1860)

## **APPLICATION FOR BAIL U/S. 438 OF CR.P.C.**

### **MAY IT PLEASE YOUR HONOUR**

1. The states that the Applicant has preferred this Interim Transit/Anticipatory Bail Application u/s. 438 of the Criminal Procedure Code, 1976 seeking directions of this Hon'ble Court to release her on bail for a period of four (4) weeks to enable the Applicant to approach the appropriate court for reliefs. The Applicant states that she is apprehending arrest in C. R. No. 91 of 2024 registered at Special Cell, New Delhi for offences under section 124A, 153, 153A and 120B of the Indian Penal Code, 1860.
2. The Applicant states that she is a permanent resident of Mumbai and that she is a social activist in Mumbai since the year 2001. The Applicant states that she has volunteered in environmental movements which helps to create awareness of various environmental crisis and concerns worldwide and also helps to create a positive change to the current ecosystem and structure in the world today with non-violence means. The Applicant

states that recently she was deeply concerned with the construction of Metro Rail Yard at Aarey Colony, Goregaon, Mumbai intended to be constructed by cutting down the green zone are more popularly known as the Oxygen Chamber of Mumbai.

3. The Applicant states that on 1<sup>st</sup> February, 2022, the Special Cell Unit of Delhi Police accompanied with Constable from the local police station visited the house of the Applicant with search warrant and seized personal documents and electric gadgets from her house. The Applicant during the search conducted by the said Special Cell Unit of Delhi Police, search cum seizure memo was prepared and the statement of the Applicant was recorded. The Applicant states that she was booked for abovementioned offences for being responsible for the violence erupted in Delhi outside the office of Ministry of Environment Forest and Climate Change in view of her environmental cause at Mumbai.

4. The Applicant states that it became difficult for her to move to other state without the prosecution u/s. 438 of the CRPC, 1976 to seek appropriate relief as she has fear of getting arrested in transit on the basis of aforesaid complaint. The Applicant states that she is a social activist who supports only environmental causes. The Applicant states that the alleged toolkit does not talk about any violence and that the Applicant has co-operated with the investigation. The Applicant states that she needs time to move appropriate court and hence protection be granted u/s. 438 of CRPC for a period of four (4) weeks.
  
5. The Applicant states that she is not named in the FIR and the apprehension of arrest is fortified by the fact that the non-bailable warrant has been issued against the Applicant by the Court at Delhi. Hence, the protection may be granted for a temporary period of four (4) weeks. The Applicant states that this Honourable Court is competent enough to grant the interim bail for a temporary period in connection with the offence registered in another state to avoid immediate arrest of the Applicant. The Applicant states that if the protection is not

granted, then the liberty of the Applicant being an individual would be jeopardized.

**GROUNDS FOR INTERIM TRANSIT BAIL:**

- i. That the Applicant has strong and reasonable apprehension of arrest as the non-ailable warrant has already been issued against the Applicant by the Delhi Court.
  - ii. That the Delhi police are frequently calling the Applicant for interrogation.
  - iii. That the police have already visited the house of the Applicant and seized her personal documents and gadgets.
  - iv. That the Applicant has no role in the violence which took place in Delhi and the Applicant was only involved in social awareness of environmental crisis in respect of installation of Metro Rail Yard at Goregaon, Mumbai and the same has not any relation with the instigation of said mass violence.
  - v. In the instant case, the Applicant is ready to join the investigation and fully cooperate with the investigating agency.
- It is pertinent to take note that the statement of the Applicant is already recorded by the Delhi police at her residence in Mumbai.

- vi. The investigating agency should not have a slightest doubt that the Applicant would not be available to the investigating agency for further investigation particularly when she is already co-operated with the investigation and shall fully cooperate with the investigating agency in future.
- vii. It is submitted that an order of bail does not in any way, directly or indirectly, take away from the police their power and right to fully investigate into charges made against the Applicant. It is further submitted that when the case is under investigation, the usual anxiety of the investigating agency is to ensure that the alleged accused should fully cooperate with them and should be available as and when they require him.
- viii. The Applicant is a peace loving and law abiding citizen and that she has deep embedded roots in the society and comes from a respectable family.
- ix. The Applicant is desirous of proving her innocence at the time of trial and is confident of success in the trial and hence she is entitled for presumption of innocence unless found guilty and also the benefit of doubt.

- x. The Applicant shall not abscond or jump bail and shall always be available to face the trial and also is ready and willing to cooperate in the investigation whenever required and called upon.
- xi. Great prejudice would be caused to the Applicant if this interim transit bail application is not granted whereas no harm would be caused to the prosecution if the bail is granted to the Applicant which is only for a temporary period of time.
- xii. If granted bail, the Applicant is not the one to run away nor is she likely to repeat any offence or indulge in any other illegal activity. The Applicant submits that she shall always be available to face trial and will not abscond or fleece away from trail or investigation.
- xiii. That the Applicant is permanent resident of Mumbai and is the bread earner to her family. Hence, in support of the aforesaid the Ration Card, Pan Card and Aadhar Card issued by the concerned authority is enclosed herewith and marked as **Exhibit- A** **collectively** which shows her identity and residential proof.
- xiv. The Applicant will not tamper with evidence or threaten the witnesses and shall not fly away outside India till filing of

- chargesheet or as directed and will cooperate with investigation and trial.
- xv. The Applicant is at her youth running age of 35 years and striving hard for her day to day means by running her own business entity. The detention will affect her work fronts.
- xvi. The Applicant is ready to give bail attendance in the concerned police station as and when called upon.
- xvii. The Applicant undertakes to abide by all the terms and conditions as may be imposed by this Hon'ble Court at all times.
- xviii. No other bail application is pending before this Hon'ble Court or any other court.
- xix. The Applicant crave leave to amend, add or alter the contents enumerated in this bail application as per the facts and circumstances by the leave of this Hon'ble Court

**The Applicant most humbly prays as follows:**

- a) This Hon'ble Court be pleased to enlarge the Applicant on Interim Transit Bail in C.R No. 91 of 2023 of Samata Nagar Police station, at Mumbai on any terms and conditions it feels

fit and necessary including with the option to furnish cash bail in lieu of surety.

- b) That pending the hearing and final disposal of the Interim transit bail, ad-interim protection be granted to the Applicant and police be directed not to take coercive steps against the Applicant.
- c) Any such other order which this Hon'ble Court deems fit in the facts and circumstances of the case.

**AND FOR THIS ACT OF KINDNESS, THE APPLICANT  
SHALL EVERY PRAY.**

Date : \_\_\_\_ .02.2024

Place : Mumbai

Advocate for Applicant

**VERIFICATION**

I, MRS. ASHWINI ULHAS KADAM, Aged: 35 years, Occupation: Business, an Adult, of Mumbai, Indian Inhabitant, residing at Room No. 56, Dube Chawl, Samata Nagar, Kandivali-(East), Mumbai- 400 101, do hereby state on solemn affirmation

that whatever is stated in the Application is true and best of my knowledge and belief.

Solemnly affirmed at Mumbai )

On this \_\_\_\_ day of February, 2024 )

Advocate for Applicant

Applicant

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**INTERIM TRANSIT/ANTICIPATORY BAIL**

**APPLICATION NO. 131 OF 2024**

MRS. ASHWINI ULHAS KADAM ...APPLICANT

VERSUS

THE STATE OF MAHARASHTRA  
THROUGH Samata Nagar Police Station  
Kandivali- (East), Mumbai. ...RESPONDENT

**List of documents relied upon by the Applicant**

1. All Exhibits annexed to the Application.
2. Any other documents by the leave of this Hon'ble Court.

Place : Mumbai

Date : \_\_\_\_ .02.2024

Advocate for Applicant

*I am not a member of the Welfare fund. Therefore stamp of Rs. 2/- is not affixed herewith. N.B.:- Strike out which is not applicable.*

Advocate's signature

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**APPLICATION NO. 131 OF 2024**

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An Adult, of Mumbai, Indian Inhabitant,)

Residing at Room No. 56, Dube Chawl,)

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Mumbai- 400 101. ) ...APPLICANT

VERSUS

THE STATE OF MAHARASHTRA )

Through Samata Nagar Police Station )

Akurli Road, Kandivali- (East), )

Mumbai- 400 101. ) ...RESPONDENT

I, hereby appoint \_\_\_\_\_, Advocate Bombay  
High Court to act, appear and plead for me in the above matter.

In witness whereof I have set my hands to this writing.

Dated this \_\_\_ day of February, 2024

Accepted :-

Off. Add :-

Advocate for Applicant  
C-11,  
Highway Park E-4,  
Thakur Complex,  
Kandivali-East,  
MUMBAI – 400 101.

(Ashwini Ulhas Kadam)  
(Applicant)

Filed in Court on: /02/2024

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

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THE STATE OF MAHARASHTRA  
THROUGH Samata Nagar Police Station  
Kandivali- (East), Mumbai.                      ...RESPONDENT

**Affidavit in support of Application**

I, MRS. ASHWINI ULHAS KADAM, Aged: 35 years, Occupation:  
Business, an Adult, of Mumbai, Indian Inhabitant, residing at Room  
No. 56, Dube Chawl, Samata Nagar, Kandivali- (East), Mumbai- 400  
101, do hereby state on solemn affirmation as follows:

1. I say that I am well conversant with the facts of the present case.
2. I repeat, reiterate, adopt and confirm whatever is stated in the anticipatory bail application. I say that the said Application is drafted under my instructions.

3. I say that whatever is stated in this Affidavit is true and correct to the best of my knowledge and belief.

Solemnly affirmed at Mumbai )

On this \_\_\_ day of February, 2024 )

Advocate for the Applicant

Applicant

### **VERIFICATION**

I, MRS. ASHWINI ULHAS KADAM, Aged: 35 years, Occupation: Business, an Adult, of Mumbai, Indian Inhabitant, residing at Room No. 56, Dube Chawl, Samata Nagar, Kandivali- (East), Mumbai- 400 101, do hereby state on solemn affirmation that whatever is stated in the Affidavit is true and best of my knowledge and belief.

Solemnly affirmed at Mumbai )

On this \_\_\_ day of February, 2024 )

Advocate for the Applicant

Applicant

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

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THE STATE OF MAHARASHTRA  
THROUGH Samata Nagar Police Station  
Kandivali- (East), Mumbai.                      ...RESPONDENT

**Application for urgent ad- interim reliefs.**

**MAY IT PLEASE YOUR HONOUR**

1. That the Applicant has preferred the present ad-interim anticipatory bail application for most urgent interim reliefs and order. The Applicant is an adult, Indian Inhabitant residing at the address as mentioned in the cause title. The Respondent is the State of Maharashtra through the Public Prosecutor at the instance of Samata Nagar police station.
2. The Applicant has a strong and reasonable apprehension of arrest. Thus has preferred the present application and the

Applicant repeat, reiterate, adopt and confirm whatever is stated in the main anticipatory bail application as part of this Affidavit.

3. That calling upon the say and hearing of the Parties may take reasonable time, thus the ad-interim and /or interim protection be granted to the Applicant.
4. The Applicant has strong and reasonable apprehension of arrest in transit as the non- bailable warrant has already been issued by the Court of Delhi.
5. Thus it is humbly prayed that:
  - a) That this ad-interim application be allowed.
  - b) That pending the hearing and final disposal of the interim transit/ anticipatory bail, ad-interim protection be granted to the Applicant and the police be directed not to take coercive steps against Applicant.
  - c) Any such order which this Hon'ble Court deems fit in the facts and circumstances of the case.

**AND FOR THIS ACT OF KINDNESS, THE APPLICANT SHALL  
EVERY PRAY.**

Date : \_\_\_\_ .02.2024

Place : Mumbai

Advocate for Applicant

**VERIFICATION**

I, MRS. ASHWINI ULHAS KADAM, Aged: 35 years, Occupation: Business, an Adult, of Mumbai, Indian Inhabitant, residing at Room No. 56, Dube Chawl, Samata Nagar, Kandivali- (East), Mumbai- 400 101, do hereby state on solemn affirmation that whatever is stated in the Affidavit is true and correct to the best of my knowledge and belief.

Solemnly affirmed at Mumbai )

On this \_\_\_\_ day of February, 2024 )

Advocate for the Applicant

Applicant

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

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**APPLICATION NO. 131 OF 2024**

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VERSUS

THE STATE OF MAHARASHTRA  
THROUGH Samata Nagar Police Station  
Kandivali- (East), Mumbai.                      ...RESPONDENT

**Affidavit in support of ad-interim Application**

I, MRS. ASHWINI ULHAS KADAM, Aged: 35 years,  
Occupation: Business, an Adult, of Mumbai, Indian Inhabitant,  
residing at Room No. 56, Dube Chawl, Samata Nagar,  
Kandivali- (East), Mumbai- 400 101, do hereby state on solemn  
affirmation as follows:

1. I say that I am well conversant with the facts of the present case.
2. I repeat, reiterate, adopt and confirm whatever is stated in the interim transit/ anticipatory bail application. I say that the said Application is drafted under my instructions.

3. I say that whatever is stated in this Affidavit is true and correct to the best of my knowledge and belief.

Solemnly affirmed at Mumbai )

On this \_\_\_ day of February, 2024 )

Advocate for the Applicant

Applicant

**VERIFICATION**

I, MRS. ASHWINI ULHAS KADAM, Aged: 35 years, Occupation: Business, an Adult, of Mumbai, Indian Inhabitant, residing at Room No. 56, Dube Chawl, Samata Nagar, Kandivali- (East), Mumbai- 400 101, do hereby state on solemn affirmation that whatever is stated in the Affidavit is true and correct to the best of my knowledge and belief.

Solemnly affirmed at Mumbai )

On this \_\_\_ day of February, 2024 )

Advocate for the Applicant

Applicant

**IN THE HIGH COURT OF JUDICATURE  
OF BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**INTERIM TRANSIT/ANTICIPATORY**

**BAIL APPLICATION NO. 131 OF 2024**

Mrs. Ashwini Ulhas Kadam ...Applicant

Versus

The State of Maharashtra,  
Through Samata Nagar Police Station,  
Mumbai ....Respondent

**APPLICATION FOR ANTICIPATORY  
BAIL U/S 438 OF CODE OF CRIMINAL  
PROCEDURE, 1973.**

Dated \_\_\_this day of February, 2024  
at Mumbai

Advocate for the Applicant  
C-11,  
Highway Park E-4,  
Thakur Complex,  
Kandivali- (East),  
Mumbai- 400 101.