

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1855 OF 2016

Mrs. Saida Yusuf Shaikh

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

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Mr. O.P. Singh i/by. Mr. Javed Ahamed, Advocate for the applicant.

Ms. Sharmila Kaushik, Advocate for the respondent.

Mr. S.S. Sayyed, API, Mumbra Police Station present.

CORAM :- N. W. SAMBRE, J.

DATED :- 1ST DECEMBER, 2016.

P.C. :-

1). The applicant is seeking pre-arrest bail in Crime No. II-80 of 2016 for an offence punishable under Sections 8(c), 20 and 22 of the Narcotics Drugs and Psychotropic Substances Act. Mr. Singh, the learned Counsel for the applicant would strenuously urge that the applicant is entitled for bail as nothing was recovered from the applicant. He would then claim that, even if there are some antecedents, the applicant is not convicted by any of the Courts.

According to him, the maximum punishment provided is of 3 years and as such would not fall within the category of “serious offences”.

2). The learned APP submits that, the application is liable to be rejected, as in addition to three antecedents, the applicant ran away from the spot when the trap was laid. It is claimed that, custodial interrogation of the applicant is necessary.

3). The prosecution record reflects that from the other co-accused who was apprehended during the trap, contraband was recovered. The applicant appears to have ran away from the spot instead of respecting the law.

4). There are criminal antecedents so as to connect the applicant to the crime in question. The criminal antecedents of similar nature of crime in which the applicant was involved in the past, the investigation carried out till date points out the finger of involvement of the applicant in the crime in question. As such, no case is made out. Hence, the application fails. The same is rejected.

(N.W. SAMBRE, J)