

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1104 OF 2017

1. Sunita Shravan Waydande .Applicants
2. Sneha Mukesh Chavan

Vs.

The State of Maharashtra .Respondent

Mr.A.U.Nikam i/b. Mr.A.Satpute, Advocate, for
the Applicants

Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 29.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No. 53 of 2017 registered with the Swargate Police Station, District – Pune, for the alleged offences punishable under Sections 8(c), 21(b), 22(b) & 29 of the Narcotic Drugs And Psychotropic Substances Act (For short "N.D.P.S." Act).

3. Learned counsel for the Applicants submits that the allegation as against the Applicants is that they handed over 174 grams brown sugar to accused No.1 – Rahul alias Khandya Dattu Aarane. He submitted that charge-sheet has been filed against Rahul Aarane and that there is no material in the said charge-sheet, which shows the complicity of the Applicants.

4. Learned APP opposes the Application. She submits that the Applicants have been absconding since 14.02.2017. She submits that the said 174 grams of brown sugar, worth Rs.8,70,000/- was supplied by the Applicants to co-accused Rahul Aarane. She relied on the statement of the neighbours – Imtiyaz Nawab Shaikh and Faizal Karim Shaikh, who have stated, that the Applicants and Rahul Aarane were indulging in the sale of brown sugar. She submitted that even in the FIR, the Applicants

have been named. According to her, the Applicant No.1 has 3-4 antecedents, out of which, there are two cases lodged under the N.D.P.S. Act; one in the year 2003 and the other, in 2012.

5. Perused the papers. Co-accused – Rahul Aarane was apprehended on the spot, by the Complainant, whilst on patrolling duty. Rahul Aarane was found in possession of 174 gms brown sugar, worth Rs.8,70,000/- and a few currency notes. It is mentioned in the FIR, that when Rahul Aarane was apprehended, he disclosed that the Applicants had given the said 174 gms brown sugar to him, for selling the same. The statements of the neighbourers also show that the Applicants have been indulging in the sale of brown sugar, alongwith co-accused Rahul Aarane. It is necessary for the investigating officer to find out the trail and the source from where the brown sugar was purchased. There are similar antecedents as against the Applicant

No.1.

6. Considering the material on record, this is not a fit case to grant pre-arrest bail to the Applicants. Accordingly, the Application stands rejected.

7. It is made clear that the observations made herein are prima facie for deciding the aforesaid applications and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)