

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

**BAIL APPLICATION NO. 1851 OF 2017**

Christina Stephen D'Souza

... **Applicant**

**V/s.**

The State of Maharashtra

... **Respondent**

-----

Mr. S.P. Dighe for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent/State.

**CORAM : A.S.GADKARI, J.**

**DATE : 20<sup>th</sup> SEPTEMBER, 2017**

**P.C.:**

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. II-151 of 2017 dated 12.05.2017 registered with Mumbai Naka Road Police Station, District Nashik under Sections 8(C), 20(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2 It is the prosecution case that after receipt of confidential information, the investigating agency laid a trap near hotel Godawari, Nashik and apprehended a person aged about 25 to 30 years, co-accused in the present crime. The said co-accused was in possession of 'Ganja' weighing about 2510 grams. During the course of investigation, the said person came to be arrested. The said co-accused made a disclosure statement to the police during the course of investigation that the contraband was owned by the present Applicant, who resides in the State of

Goa. The First Information Report is lodged by Police Sub-Inspector Ramesh Pawar and in the said report it is stated that, after making inquiry with Accused No.1, Mangaldas @ Rishi Balasaheb Akhade during his interrogation, he revealed the name of the present Applicant as the owner of the said contraband. Apart from the said statement mentioned in the First Information Report, the record indicates that there is no other corroborative evidence against the Applicant in the present crime. It appears that, the co-accused during the course of investigation has revealed the name of Applicant as owner of the said contraband. In view thereof, this Court is of the view that there are reasonable grounds for believing that the Applicant is not guilty of such offence and is also not likely to commit any offence while on bail.

3 Hence, the following order:-

- i) The applicant be released on bail in C.R. No. II-151 of 2017 dated 12.05.2017 registered with Mumbai Naka Road Police Station, District Nashik on his furnishing PR bond of Rs.50,000/- with one or two solvent sureties either from District Mumbai or Thane in the like amount.
- ii) After his release from jail, the applicant shall attend Mumbai Naka Road Police Station once in month i.e. on every 1<sup>st</sup> Monday of the month between 11.00 a.m. to 2.00 p.m. initially for the period of six months and thereafter, once in three months i.e. first Monday of every third month till conclusion of trial.
- iii) The applicant shall also attend all dates before the Trial Court.

- iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.
- v) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- (vi) Application is allowed in the aforesaid terms.

**(A.S.GADKARI, J.)**