

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.1166/2017
AND
CRIMINAL APPLICATION (APPP) NO.2129 OF 2017

Sukbirsingh s/o Chalansingh Sukku

..VS..

State of Mah., thr. PSO Katol, District Nagpur (Gramin), (SDPO), Katol and
another

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Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

Shri Soumitra Paliwal, Counsel for the applicant.
Shri K.L. Dharmadhikari, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 15, 2017.

1. Heard learned counsel Shri Soumitra Paliwal for the applicant and learned Additional Public Prosecutor for the State.
2. The applicant was arrested in connection with Crime No.347 of 2016 registered with Police Station Katol, District Nagpur for the offences punishable under Sections 8(c), 20-B, 22, and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 34 of the Indian Penal Code.
3. On 28.11.2017, the applicant filed an application for temporary bail. The application is registered as Criminal Application No.1166 of 2017. The reason for temporary bail was

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to attend the marriage ceremony of his daughter which was to be held on 9.12.2017.

4. It is to be noted that when this application for temporary bail was filed, the present applicant was lodged in Tihar Jail at New Delhi in connection with Crime No.767 of 2014 registered with Police Station Rajouri Garden, New Delhi for the offences punishable under Sections 395, 397, 307, 341, and 427 read with Section 34 of the Indian Penal Code and under the relevant provisions of the Arms Act, 1959.

5. Though the application was opposed by learned Additional Public Prosecutor Shri K.L. Dharmadhikari for the State, on 4.12.2017 this Court (Coram : A.S. Chandurkar, J.) granted temporary bail in favour of the applicant thereby directing that the applicant be released from Tihar Jail at New Delhi and his bail was till 16.12.2017 on he executing a Personal Bond of Rs.50,000/- with one surety of Delhi of the like amount. This Court also directed that the applicant shall attend Tilaknagar Police Station, New Delhi once a day by 2:00 p.m. and he shall report back to the Jail Superintendent, Tihar Jail, New Delhi on 16.12.2017.

6. Accordingly, the applicant, after furnishing bail bonds, is released from Tihar Jail, New Delhi. The applicant has also attended Tilaknagar Police Station, New Delhi and the matter was kept on 20.12.2017 for further consideration.

7. Today, in the morning session, learned counsel Shri Soumitra Paliwal for the applicant mentioned the matter and requested that the matter be taken at 2:30 since he has moved an application for extension of temporary bail granted by this Court on 4.12.2017. Accordingly, applications vide Criminal Application No.1166 of 2017 and Criminal Application No.2129 of 2017 for extension of temporary are taken up for consideration.

8. Learned Additional Public Prosecutor Shri K.L. Dharmadhikari for the State has already filed the reply to the main application and thereby opposed the application for bail.

9. From the reply, it is stated on behalf of the State that the present applicant has indulged in activities of smuggling of Narcotic Drugs. It is also stated that the applicant is in habit of changing his residential addresses to misled the Authorities.

10. Insofar as extension of temporary bail is concerned, it is submitted by learned counsel Shri Soumitra Paliwal for the applicant that after attending the marriage ceremony of his daughter, he wants extension for the reason that the applicant's wife is having irregular menstruation cycle and for that she is taking treatment at Dindayal Uppadhye Hospital at Delhi which is the Government Hospital and said hospital has directed that she would require to go undergo surgery.

11. After hearing learned counsel Shri Soumitra Paliwal for the applicant, when this Court was not inclined to extend temporary bail granted by this Court on 4.12.2017, learned counsel Shri Soumitra Paliwal for the applicant submits that he has instructions to withdraw both the applications namely for extension of temporary bail and also application for temporary bail since the cause for release the applicant on temporary bail is already satisfied.

12. With the result, both applications are dismissed as withdrawn.

JUDGE

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