

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

CRIMINAL BAIL APPLICATION NO. 2630 OF 2018

Imran Mohammad Ansari	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. S.R. Gaud for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.
Mr. Vivek Tambe, API, Gorai Police Station is present.

...

**CORAM : PRAKASH D. NAIK, J.
DATE : 24th OCTOBER, 2018.**

P.C.

1. This is an application for bail in connection with C.R. No. 39 of 2015 registered at Gorai Police Station for the offences punishable under Sections 328 of Indian Penal Code read with 34 of Indian Penal Code alongwith Section 8 (c), 22 and 27 of N.D.P.S Act.

2. Applicant was allegedly found in possession of 0.3 grams white crystal powder, 0.3 grams Ganja. Applicant was granted bail by the trial Court on 4th July, 2015. Chargesheet was filed against the applicant and the case is presently pending before the trial Court. Apparently, the applicant did not appear before the trial Court on the date of hearing of the case and non-bailable warrant

was issued against him. He was subsequently arrested on 8th March, 2018 and since then he is in custody. It is submitted that applicant was available at his residence and non-bailable warrant could not be executed against him as warrant was issued in the wrong name. It is submitted that applicant is permanent residence of Mumbai and he would produce the requisite residential proof before the Investigating Officer. It is submitted that he would diligently attend the trial Court on the date of hearing of the case. The other accused are on bail.

3. Learned APP submitted that attempt made to execute the summons at the residential premises of the applicant but he was not found. Applicant was not available for a period of two and half years. It is therefore submitted that application for bail be rejected.

4. Applicant has preferred an application for bail before the trial Court which has been rejected. Applicant was granted bail on 4th July, 2015.

5. Considering the fact that applicant was granted bail for an offence which relates to non-commercial quantity on stringent condition, bail can be granted to him. Hence, I pass the following order.

ORDER

- i) Criminal Bail Application is allowed;
- ii) Applicant is directed to be released on bail in connection with C.R. No. 39 of 2015 registered with Gorai Police Station which is subject matter in Session Case No. 138 of 2018 pending before the Sessions Court at Borivali Division, Dindoshi on furnishing P.R. Bond of Rs.15,000/-with one or more sureties in the like amount;
- iii) Applicant shall attend Gorai Police Station twice in a month on second and fourth Saturday of the month between 10 a.m. to 12 noon till conclusion of the trial;
- iv) Applicant shall attend the trial Court regularly unless exempted by the Court for some reasons;
- v) Applicant shall furnish the residential proof to the Investigating Officer after he is released on bail;
- vi) The application stands disposed off.

(PRAKASH D. NAIK, J.)

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by Sachidanand
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