

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

BAIL APPLICATION NO.2879 OF 2017

Pandiyammal Ajaykosekumar Thevar **... Applicant**

V/s.

The State of Maharashtra **....Respondent**

Mr. Ayaz Khan, Advocate for the Applicant.

Mrs. J.S. Lohokare, APP for the Respondent – State.

CORAM : A.S.GADKARI, J.

DATE : 16th FEBRUARY 2018

P.C.:

1. This is an application under Section 439 of the Cr.P.C. for bail in P.C.R.No.II-73/2016 dated 29.09.2016 registered with Thanenagar Police Station under Sections 8(C), 20 and 29 of the NDPS Act (now culminated into Sessions Case No.24/2017).

2. It is the prosecution case that, on 29.09.2016 when the first informant and other officers whilst on patrolling duty noticed that, the movement of the applicant and the other two accused-persons were suspicious and therefore, the police stopped the applicant and the two

accused-persons namely, Ajaykosekumar M. Thevar and Nithirajan P. Thevar. That the other two accused-persons tried to run away from the scene of offence. However, the police chased and apprehended them. After search, it was found that, 6.200 kgs. of Ganja was concealed in the bag of the applicant. That, the other two accused-persons namely Ajaykosekumar M. Thevar and Nithirajan P. Thevar were found in the possession of 8.910 kgs. and 10.590 kgs. of Ganja respectively. The applicant came to be arrested after completion of necessary formalities. After completion of investigation, police have submitted charge-sheet.

3. Learned Counsel appearing for the applicant submitted that, the other two accused-persons namely Ajaykosekumar M. Thevar and Nithirajan P. Thevar have been released on bail by the Special Court and as the applicant is similarly situated, is entitled to be released on bail on the ground of parity.

4. Perused the charge-sheet.

Prima-facie it appears that, there is substance in the contention of the learned Counsel for the applicant. In view thereof, the applicant is entitled to be released on bail on the ground of parity.

Hence, the following order.

(a) The applicant be released on bail in P.C.R.No.II-73/2016 dated 29.09.2016 registered with Thanenagar Police Station (now culminated into Special Case No.24/2017) on her furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(b) After her release from Jail, the applicant shall attend the Thanenagar Police Station on every first Sunday of the month between 3.00 p.m. to 6.00 p.m. till conclusion of trial.

(c) The applicant shall attend all the dates before the Trial Court unless precluded by medical reasons.

(d) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)