

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

CRIMINAL APPLICATION (BA) NO.73/2018

Mahesh s/o Prabhudas Meshram

..vs..

State of Mah., thr. PSO PS Ramnagar, Tahsil and District Chandrapur

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

Court's or Judge's Order

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Shri A.C. Jaltare, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 8, 2018.

1. Heard learned counsel Shri A.C. Jaltare for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.
2. The present application is a 3rd application filed on behalf of the applicant.
3. The applicant was arrested in connection with Crime No.471/2017 registered with Police Station Ramnagar, District Chandrapur for the offences punishable under Sections 8(c), 21, and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
4. The investigation is over and the charge-sheet is already filed.
5. From the present applicant, 5.96 grams Brown-Sugar was recovered.
6. According to learned counsel Shri A.C. Jaltare for the applicant, co-accused Vikas Mesram was released on bail by this Court

(Coram : Z.A. Haq, J.) on 18.7.2017 and from whom 8.72 grams Brown-Sugar was seized and, therefore, the applicant is also entitled to be released on bail.

7. Grant or refusal of bail is a pure discretion of the Court. There cannot be *straight jacket formula* in respect of considering the bail applications. Of course, principle of parity always plays an important consideration while deciding the applications for bail. In this context, this Court is required to mention that against the applicant 3 offences are registered with Ramnagar Police Station, District Chandrapur; 3 offences are registered with Warora Police Station, district Chandrapur, and one offence is registered with Durgapur Police Station, District Chandrapur, as disclosed in the reply filed on behalf of the prosecution. All the offences are in respect of the offences relating to the bodily offences. However, the applicant is having criminal antecedents. Such is not the case in respect of the person Vikas who is released on bail by this Court. Therefore, the applicant cannot claim to be released on bail on the principle of parity.

8. In that view of the matter, I am of the opinion that the offences in which the applicant was arrested are the offences against the society since he is dealing in Brown-Sugar.

9. Hence, no case is made out. The criminal application is rejected and disposed of.

JUDGE

!! BRW !!

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