

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

CRIMINAL APPLICATION (BA) NO.311 OF 2018

(Luke Chike Anayoha @ James s/o Inocent Azinail Vs. State of Maharashtra, Thr.
PSO, P.S. Ramdas Peth, Akola)

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

Court's or Judge's orders.

Shri Ajay S. Londhe, Advocate for Applicant.
Ms. R.V. Kaliya, APP for Respondent

CORAM: S.B. Shukre, J.

DATE: 13-04-2018

Heard.

Perused the reply of the prosecution and the charge-sheet and which is placed on record.

In this case, the contraband substance, cocaine, has been seized not from the possession of this applicant, but from the possession of accused no.1 Vijay @ Babu. This applicant has been sought to be involved in this crime on the basis of statement made by the co-accused to the effect that this applicant is the supplier of cocaine. Except for statement of the co-accused, I could not come across any material on record which is collected during the course of investigation, prima facie, showing that this applicant was the supplier of the contraband substance as the co-accused are now saying. So, there is a serious doubt about the existence of prima facie case against this applicant.

Coupled with doubt about the existence on prima facie, there is also another important aspect involved in this case. At the time of filing of charge-sheet, the chemical analyzer's report was not filed by the investigation officer. So, it was an incomplete charge-sheet. Learned APP submits that even today, CA Report has not been filed. However, she submits that it would be filed shortly. Be that as it may, benefit of this fact must go to the applicant for the present purpose. On this count also, I am of the opinion that this applicant deserves to be released on bail.

The application is allowed and it is directed that the applicant be released on bail on his furnishing PR Bond of Rs.1,00,000/- together with one solvent surety in the like sum, on the following conditions.

[1] Applicant shall not tamper with the prosecution witnesses in any manner.

[2] The applicant shall co-operate with the trial Court in expeditious disposal of the case and shall regularly attend the dates fixed in the matter. .

Disposed of.

JUDGE