

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

CRIMINAL APPLICATION (BA) NO. 377 OF 2020

Abhay Tukaramji Marode

...Vs...

State of Maharashtra, thr. P.S. In-charge, Nandanwan Police Station,
Nagpur, Tah & District – Nagpur

WITH

CRIMINAL APPLICATION (BA) NO. 378 OF 2020

Rajendra S/o Vasudevrao Shirbhate and Anr

...Vs...

State of Maharashtra, thr. P.S. In-charge, Nandanwan Police Station,
Nagpur, Tah & District – Nagpur

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

Court's or Judge's order

Shri. R. M. Bhangde, Counsel for Applicants
Shri. V. A. Thakare, APP for non-applicant/State.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : 20th AUGUST 2020.

Heard learned Counsels on behalf of both the parties
through video conferencing.

2. As both the applicants are accused in the same
crime, I pass the common order.

3. The applicants are said to be arrested in Crime
No. 780/2019 for the offences punishable under Sections
22(B), 29 and 59(2) of the Narcotic Drug and Psychotropic
Substances Act, 1985 (NDPS Act).

4. The prosecution story as per the First Information Report lodged by Assistant Commissioner of Police (ACP), Sakardara Division, that on 19.10.2019, he received information on his cell phone that on 14.10.2019, in the afternoon hours, Police H.C. Sachin Empreddiwar (co-accused) and his staff seized Mephedrone powder from Jamal Khan (another accused) and released him by accepting Rs. 2,45,000/-. Thereafter, the informant intimated this fact to the superiors and as per their direction, he conducted further inquiry in the present matter. The informant further alleged that upon inquiry, Head Constable - Sachin (co-accused) disclosed in his statement that on 14.01.2019, while he was on patrolling duty along with other police staff including applicant Rajendra and Dilip, he noticed that one Jamal Khan was driving white color moped, he stopped him and took his search, he seized two plastic small zip lock bags which contained white color powder (MD Powder), he took the said contraband in his possession, co-accused - Jamal then gave a jerk to the police staff and fled away from the spot, when police staff were in search of Jamal, one Javed (another co-accused) met with police staff and asked them not to take search of Jamal and gave plastic polythene to them containing bundle of currency notes of Rs. 500/- total amount of Rs. 2,60,000/-. The accused - Sachin kept said amount and the contraband in the cupboard of Police Station. Accordingly, the informant ACP – Vijay visited Police Station, Nandanwan and seized cash amount of Rs. 2,45,000/- and MD Powder of

34 gms from Head Constable - Sachin at Police Station by preparing a Panchanama.

5. After investigation, charge-sheet came to be filed.

6. I have perused the application, affidavit-in-reply on behalf of the State and the charge-sheet.

7. At the outset, the allegation against the present applicants are that at the relevant time, they were working as the members of DB Squad at Police Station, Nandanwan and were accompanying the main accused – Sachin Empreddiwar.

8. Shri. R. M. Bhangde, learned Counsel for the applicants submitted that the main accused – Sachin has already been released on bail vide order dated 03.06.2020 in Misc. Criminal Application No. 1203/2020. The prosecution could not point out any greater role attributed to the present applicants than the role attributed to the main accused – Sachin, who was working as Head Constable at the relevant time and the present applicants were working under him as Police Naik.

9. Furthermore, the applicants are being police personal, there are least chances of their absconding and further committing the similar offence while on bail.

10. On the ground of parity, I am inclined to allow the applications and the same are accordingly allowed. Hence, I pass the following order :-

ORDER

- i) The criminal bail applications are allowed.
 - ii) The applicants shall furnish P. R. Bond in the sum of Rs. 25,000/- each with one solvent surety in the like amount.
 - iii) The applicant shall not in any manner tamper with the prosecution evidences.
 - iv) The applicants to supply their residential address and mobile number to the concerned police station and shall not change the same.
 - v) The applicants shall not leave the local jurisdiction without prior intimation to the concerned police station.
11. The Criminal Applications are disposed of accordingly.
12. This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

TAMBE

**Vithal
Choulwar**

Digitally signed
by Vithal
Choulwar
Date:
2020.08.21
19:12:42 +0530