

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

CRIMINAL BAIL APPLICATION NO.1375 OF 2019

Gita Ravindra Patel ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Abhishek R. Singh, Advocate for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent - State.

CORAM : NITIN W. SAMBRE, J.

DATE : 30th OCTOBER, 2021

PC.

1. Applicant was arrested on 27.08.2017 in C. R. No.162 of 2017 registered with Oshiwara Police Station for the offence punishable under Sections 8(c), 20(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Applicant is seeking bail on the ground of non-compliance of section 42 and 50 of CrPC. The contentions are, the provisions of section 42(2) of the NDPS Act are violated.
3. Reliance is placed on the seizure memo and also failure of the officer who has received the information to report the same in writing to the superior officer.
4. Learned APP supports the case of the prosecution as

according to her since the charge is framed, application is liable to be rejected.

5. Perused the complaint dated 27.08.2017, the Panchanama which is signed by both the Panchas, male and female and the intimation in writing given by PSI Rajane to the Assistant Police Commissioner on 27.08.2017. What is noted is, the applicant was subjected to bodily search by female officer. However, bodily search of the applicant was in the presence of other male persons and Police officials. As such, it is apparent that the applicant's bodily search in the presence of other male persons has violated her right to decency guaranteed under the provisions of the Act.

6. The issue, in my opinion, is squarely covered by the orders of this Court in Application No.1051 of 2016 decided on 24th April 2017.

7. In that view of the matter, application stands allowed.

8. Applicant shall be released on bail in C. R. No.162 of 2017 registered with Oshiwara Police Station for the offence punishable under Sections 8(c), 20(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 on furnishing P. R. bond of Rs.15,000/- with one or more local sureties in the like amount. Applicant shall attend trial regularly. Any two consecutive absence

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of the applicant to appear before the trial Court would entail the Court below to take out proceedings for cancellation of bail of the applicant. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence. After release, applicant shall furnish the particular of his place of residence and contact details to the Investigating Officer of the Police Station concerned within one week from today.

[NITIN W. SAMBRE, J.]