

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

939 BAIL APPLICATION NO.2027 OF 2022

ARUN AMBADAS MALVE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Swapnil Joshi, Mr. Mahesh Swami
i/b J. P. Legal Associates.
APP for Respondents-State : Ms. V. S. Choudhari.
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CORAM : S. G. MEHARE, J.
DATE : 15.12.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondents-State.
2. Learned counsel for the applicant would submit that the applicant has been arraigned as an accused on the false statement of accused No.1. The applicant has enmity with accused No.1. He had lodged a report against him. The applicant was not apprehended with contraband. He also does not own the alleged car in which the contraband was transported. He has been falsely implicated in the crime.
3. Learned APP would argue that there are many crimes to the discredit of the applicant. However, she fairly admitted that those offences were not relating to the N.D.P. S. Act.

Those offences were minor. The vehicle in which the contraband transported was transferred to the applicant by its owner. However, there is no valid transfer as contemplated under the Motor Vehicles Act, 1988.

4. Perused the papers. It reveals that the applicant has not been named in the FIR, but subsequently, he has been arraigned as an accused on the statement of co-accused No.1, who has apparently no good terms with the applicant. Nothing is to be recovered from the applicant. The investigation has been completed. Considering the role attributed to the applicant, it would be inappropriate to keep him behind bars. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **ARUN AMBADAS MALVE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.244 of 2021, registered by Police Station M.I.D.C. CIDCO, District Aurangabad, for the offences punishable

under Sections 20(B) and 22(C) of the N.D.P. S. Act, on the conditions not to tamper with the prosecution witnesses, not to involve in similar crime.

(S. G. MEHARE, J.)

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vmk/-