

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3117 OF 2021

Rukmini Mahadev Jadhav	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Rajendra S. Bidkar i/b. Ms. Sunita Devgonde, for the Applicant.
Ms. M. R. Tidke, APP for the Respondent / State.

CORAM : C.V. BHADANG, J.
DATE : 8 MARCH 2022

P.C.

. By this Application, the Applicant (Accused No.4), is seeking release on bail in Crime No.84/2021 of Police Station Mahatma Gandhi Chowk, Miraj, District Sangli, under Section 8(c) and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. The aforesaid crime is registered on the basis of the complaint dated 18 March 2021 lodged by Police Head Constable Amar Shivaji Mohite. According to the prosecution, on 18 March 2021, a secret information was received that *Ganja* was being carried in a

white colour Maruti Car bearing No.MH13-AZ-3808. The vehicle was searched when when it was parked at Rakeldepo Slum, in which 10 boxes containing 20 Kgs 700 gms *Ganja* worth Rs.2,07,000/- was recovered. Accordingly, the FIR was lodged and on investigation, a chargesheet is filed. According to the prosecution, there were two men and two women in the said vehicle. According to the prosecution, the Applicant happens to be one of the women found in the said car.

3. I have heard the learned counsel for the parties. Perused record.

4. The learned counsel for the Applicant has placed reliance on the order dated 20 January 2022 passed by this Court in BA No.2644/2021, by which the co-accused Ranjana Mahadev @ Namdev Kadam (Wankhede) has been released on bail. The learned counsel for the Applicant has sought parity with the co-accused Ranjana Wankhede.

5. Learned APP, in all fairness, did not dispute that the role attributed to the present Applicant is similar to that of Ranjana Wankhede and the parity would apply. This Court had found that there is non compliance of Section 42 of the NDPS Act as the secret information was not recorded or communicated to the superior

officers. This Court has also taken note of statement of API Subhash Patil from which it appears that during the course of investigation it transpired that the driver had carried the present Applicant and the co-accused Ranjana Wankhede in order to shield themselves from any possible interception / search. In my considered view, the ground of parity deserves to be accepted.

6. In the result, the following order is passed.

ORDER

- (i) The Applicant Rukmini Mahadev Jadhav, be released on bail in Crime No.84/2021 of Police Station Mahatma Gandhi Chowk, Miraj, District Sangli, on her executing a P.R. Bond in the sum of Rs.50,000/- with one or more solvent sureties, in the like amount.
- (ii) The Applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to the Police Officer.
- (iii) The Applicant shall not tamper with the prosecution evidence and shall attend the trial regularly.

(iv) The observations made herein-above are prima facie in its nature for the purpose of deciding the bail application only. The trial Court shall not be influenced by the observations while deciding the case on merits.

(v) Bail before the trial Court.

(vi) The Application is allowed in the aforesaid terms and stands disposed of accordingly.

C.V. BHADANG, J.