

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

ANTICIPATORY BAIL APPLICATION NO. 840 OF 2022

Latabai Tarachand Malkekar	..Applicant
V/s.	
The State of Maharashtra	..Respondent

Mr. Mithilesh Mishra i/b. Mr. Shrinath Raju Mate, for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent / State.

Mr. A. S. Kate, PN Yavat Police Station present.

**CORAM : C.V. BHADANG, J.
DATE : 30 MARCH 2022**

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. The Applicant, apprehending arrest, in connection with investigation of Crime No.1095/2021 of Police Station Yavat, Pune (Rural), under Section 8(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act', for short), is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 26 December 2021 lodged by API Keshav Wabale. According to the informant, on a prior information, two vehicles being Truck No.AP07-TM-7799 and AP16-TG-2256 passing from Solapur towards Pune, were searched near Rajashree

Veg and Indian Petrol Pump on the Solapur Pune Road, in which 167.25 Kgs of *Ganja* was recovered from the possession of the co-accused. It is undisputed that the co-accused were arrested and during the course of their interrogation, it was revealed that the present Applicant was the supplier of the contraband. One of the co-accused had also shown the house of the present Applicant. It is on that basis, that the Applicant has also been made an Accused in the said crime.

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 passed by the Supreme Court in *Seesh Singh @ Mor Vs. State of Punjab in Criminal Appeal Nos.822/2020 decided on 2/12/2020* in order to submit that in similar circumstances where the accused therein was arrayed on the basis of the statement of the co-accused, the Supreme Court has granted pre-arrest bail. Reliance is also placed on the order passed by this Court in *Samir Shaikh Vs. The State of Maharashtra in ABA No.369/2020 decided on 16 February 2022*, in which this Court placing reliance on the decision of the Supreme Court in *Seesh Singh @ Mor* (supra) had granted pre-arrest bail to the co-accused whose name is figured on the basis of the statement of the co-accused.

5. Learned APP has not disputed that there is no recovery of the contraband from or at the instance of the present Applicant and the name of the Applicant has figured only on the basis of the interrogation / statement of the co-accused.

6. In that view of the matter, the following order is passed.

ORDER

(i) In the event of her arrest, in connection with investigation of Crime No.1095/2021 of Police Station Yavat, Pune (Rural), the Applicant Latabai Tarachand Malkekar, be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.

(ii) The Applicant shall report to the Investigating Officer on 3/4/2022 and 4/4/2022 between 11.00 a.m. to 1.00 p.m. and as and when required and shall cooperate with the Investigating Agency.

(iii) The Applicant shall not tamper with the prosecution evidence / witnesses.

(iv) The Criminal Application is disposed of, in the aforesaid terms.

(C.V. BHADANG, J.)