

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (BA) No. 918 of 2022

Ankish S/o Sanjay Turkel

Versus

State of Maharashtra, through Police Station Officer, Police Station
Ganeshpeth, Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.V.Chauhan, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 24th August, 2022.

Learned counsel for the applicant submits that in the cause title of the application the name of the applicant is inadvertently typed as “Aniksh” instead of “Ankish”.

2. Leave is granted

3. Necessary amendment be carried out forthwith in the cause title.

4. The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 145 of 2021 registered with Police Station Ganeshpeth, Nagpur for the offence punishable under Sections 8(c),

22(c) and Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

5. Shri Chauhan, learned counsel for the applicant has argued that co-accused namely Shri Mangesh Kamlakar Koli has been granted bail by this Court on 24th June, 2022. It is therefore submitted that as the applicant is similarly circumstanced, he is entitled for grant of bail on the ground of parity.

6. He further submits that the applicant was arrested after seven months on the suspicion. Whereas, nothing has been recovered from the applicant.

7. Learned counsel for the applicant has drawn attention to the allegations made in the First Information Report and submits that applicant was not present at the spot of incident. Accordingly, he prays for grant of bail.

8. On the other hand, learned Additional Public Prosecutor has strongly opposed the application and prays for rejection of the present application.

9. I have perused the chargesheet and the application.

10. From the allegations made in the First Information Report, it can be seen that when the co-accused were intercepted by the police and made inquiry they informed that the applicant told them to collect the parcel. Thus, the basis for registering the offence against the applicant is the statement of the co-accused.

10. On 24th June, 2022, this Court has granted bail to the co-accused Mangesh Kamlakar Koli. In this case on considering the allegations against the applicant, I am of the opinion that the case of the applicant is at a better footing than the case of co-accused Mangesh Kamlakar Koli.

11. In addition to this, in this case the investigation is over and the chargesheet has been filed. There is no possibility that the trial will be concluded in near future and further inventory shows that no commercial quantity is involved in the present offence. Thus, I am of the opinion that the applicant is entitled for grant of bail.

- i. Criminal application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No. 145 of 2021 registered with Police

Station Ganeshpeth, Nagpur for the offence punishable under Section 8(c), 22(c), 29 of Narcotic Drugs and Psychotropic Substance Act, 1985, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount;

iii. The applicant shall attend the concerned police station on 1st and 16th day of every month between 10 am to 12 noon till the conclusion of the trial;

iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v. State is at liberty to apply for cancellation of bail in case the applicant commits similar offence.

[ANIL S. KILOR, J.]

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by
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