

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1059 OF 2023
IN
CRIMINAL APPEAL NO.819 OF 2022

Chandrashekhar Sukdev Sherekar Applicant /
Appellant

Versus

State of Maharashtra and Ors. Respondents

.....
Mr. Advaid Shukla for the Applicant / Appellant.

Mr. A. R. Patil, Addl. P.P. for the Respondent – State.
.....

CORAM : NITIN B. SURYAWANSHI, J

DATED : 8 November 2023

P.C. :

1. This is an application for suspension of sentence and grant of bail during the pendency of the Criminal Appeal preferred by the applicant challenging the judgment and conviction.

2. The applicant is convicted by the Special Judge, Nashik in Spl. [NDPS] Case No.5 of 2013 under Sections 20(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to suffer rigorous imprisonment of ten years and to pay fine of Rs.1,00,000/- in default to suffer stipulation of custodial sentence of rigorous imprisonment for one year.

3. Heard learned counsel for the applicant and learned

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This order is corrected as per speaking to minutes of order dated 10.11.2023.

Addl. PP for the respondent – state.

4. Learned counsel for the applicant submits that the applicant is residence of Nashik and serving as a clerk in Vasantao Naik school. He happens to know the main accused and with a view to help the main accused, he carried his own vehicle to Indore and towed the vehicle of the accused from Indore to Nashik where the vehicle of the accused was intercepted on account of secrete information and contraband substance was found in the vehicle of the accused. Except this, the applicant has no other involvement in the alleged offence. There are no criminal antecedents against the applicant. The applicant was on bail during the trial and he has not misused the liberty of the bail. Learned counsel therefore submit that the applicant be released on bail.

5. Learned Addl. P.P. strongly opposed the Application contending that there is sufficient material on record to indicate the involvement of the applicant in the serious offence under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985.

6. Perused the record. Undisputedly, there are no criminal antecedents against the applicant. *Prima facie* there appears

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substance in the contention of the applicant that he was not involved in the alleged offence and only because he was towing the vehicle of the accused which was raided, he was implicated in the present crime.

7. Considering the totality of the circumstance, the applicant deserves to be released on bail. In the result, the Application is allowed. Hence, the following order:-

- (i) Interim Application is allowed.
- (ii) Substantive sentence of imprisonment imposed on the applicant vide judgment and order dated 15 July 2022 in Spl. [NDPS] Case No.5 of 2013 is suspended during the pendency of this Appeal.
- (iii) Applicant - Chandrashekhar Sukdev Sherekar be released on bail on executing PR bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iv) Fine amount be paid, if already not paid.
- (v) Applicant shall attend the concerned police station twice in a month on the first and third Sunday between 10.00 am to 12 noon.
- (vi) Applicant shall furnish residential address proof and cell number to the concerned police station.

8. Parties to act upon the authenticated copy of this order.

(NITIN B. SURYAWANSHI, J.)

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