

Aarti Mahadev Misal	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

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Mr. Aniket Vagal a/w Kunal Pednekar for the Applicant.
Mr. Amit Palkar, APP for the State.
Mr. Akash N. Vite, PSI Khadaki Police Station present.

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CORAM : N.R. BORKAR, J.
DATED : 17 MARCH 2023

P.C. :-

1. This is an Application filed under Section 439 of Criminal Procedure Code, 1973 for bail.
2. The Applicant came to be arrested in Crime No.492 of 2017 registered with Khadak Police Station, Pune City for the offences punishable under Sections 8(c), 20(b)(ii)(c), 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organized Crime Act, 1999 (MCOC Act).
3. The bail is sought on the ground of parity. In support of the said ground, the learned Counsel for the applicant has placed on record the copy of the order dated 13th March, 2023 passed by the Hon'ble Supreme Court in Criminal Appeal No.756 of 2023. By the said order, the Hon'ble

Supreme Court has released the co accused Poonam Mahadev Misal @ Pooja Jhyotiba Tambawe on bail. The Hon'ble Supreme Court while releasing the said co-accused on bail has observed thus;

“Looking into the consideration recorded in the order dated 08.02.2023 when we issued notice i.e., the appellant, a lady, had been in custody for five years and testimony of the third witness was being recorded while there were stated to be 52 witnesses, we grant bail to the appellant on terms and conditions to the satisfaction of the trial Court.”

4. The present applicant is in jail for more than 5 years. It appears that the applicant is suffering from cancer.

5. Considering the overall facts and circumstances, I am inclined to release the Applicant on bail. In the result, following order is passed;

ORDER

- (i) Bail Application is allowed.
- (ii) The Applicant be released on bail in Crime No.492 of 2017 registered with Khadak Police Station, Pune City for the offences punishable under Sections 8(c), 20(b)(ii)(c), 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organized Crime Act, 1999 (MCOC Act), on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned Police Station once in a month i.e. on the first Saturday between 11:00 to 2:00 pm till conclusion of trial.

(N.R. BORKAR, J.)