

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2348 OF 2022

Nilofer Hayat Sheikh ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Shreyas Barsawade for the Applicant.
Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 10 APRIL 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 492 of 2017 registered at Khadak Police Station, Pune for the offences punishable under Sections 8(c), 20(b)(ii)(c), 21(b), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 3(1)(ii), 3(2), 3(4), 3(5), 21(4) of the Maharashtra Control of Organized Crimes Act, 1999.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The bail is sought on the ground of parity. In support of the said ground, the learned Counsel for the applicant has relied upon the order dated 13 March 2023 passed by the Hon'ble Supreme Court in

Criminal Appeal No. 756 of 2023, by which the Hon'ble Supreme Court has released co-accused Pooja Mahadev Misal on bail. The order of the Hon'ble Supreme Court reads thus :

"Leave granted.

Heard learned counsel for parties.

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.

The appeal stands disposed of."

5. The applicant is also in jail for more than five years. In view of the above order of the Hon'ble Supreme Court and as there are no other criminal antecedents, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Nilofer Hayat Sheikh be released on bail in Crime No. 492 of 2017 registered at Khadak Police Station, Pune for the offences punishable under Sections 8(c), 20(b)(ii)(c), 21(b), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 3(1)(ii), 3(2), 3(4), 3(5), 21(4) of the Maharashtra Control of Organized Crimes Act, 1999 on furnishing 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 first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)