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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3433 OF 2022

Kalpana K. Jadhav ...Applicant
V/s.
State of Maharashtra ...Respondent.

WITH
ANTICIPATORY BAIL APPLICATION NO. 3435 OF 2022

Parveen H. Pansare ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Nitesh Mohite i/b Mr. Shubham P. Mhatre for the Applicants.
Mr.P.H. Gaikwad-Patil, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 11.01.2023.

P.C. :

1. As both these applications filed under Section 438 of Code of Criminal Procedure, 1973 (Cr.P.C.) for grant of anticipatory bail are arising out of one and the same crime, they are being disposed of by this common order.

2. On 12 December 2022, this Court passed the following order:

"1] Both these applications filed under Section 438 of Code of Criminal Procedure (Cr.P.C.) for anticipatory bail are arising out of one and the same crime.

2. The applicants are apprehending their arrest in Crime No.413 of 2022 registered at Saswad Police Station, Pune Rural for the offences punishable under Section 20 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

3. I have perused the First Information Report (FIR). According to the prosecution on 19 October 2022 at

about 12.00 a.m. in the night one Malan Chavan came to the police station and handed over the packets containing Ganja to the complainant - police constable Shri. Suhas Gadekar alleging that the present applicants with a view to implicate her in a false case, clandestinely kept the said packets near her house.

4. There appears to be financial dispute between the present applicants and said Malan Cavan. Though the learned APP submits that there are criminal antecedents, however, considering the facts and circumstances of the case, I am inclined to protect the applicants till the next date.

6. In the event of arrest of the applicants viz. Kalpana K. Jadhav and Parveen H. Pansare in Crime No.413 of 2022 registered at Saswad Police Station, Pune Rural for the offences punishable under Section 20 (b) of NDPS Act, they shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.

7. Place the matters for further consideration on 11 January 2023."

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. Apart from the fact that there is a financial dispute between the parties, *prima facie*, Section 20(b) of the NDPS Act would not be attracted in the facts and circumstances of the case. I am, therefore, inclined to grant anticipatory bail to the applicants. The interim anticipatory bail granted to the applicants by order dated 12 December 2022 is thus hereby confirmed.

4. The applicants shall attend the concerned police station once in a week, i.e., on Saturday between 11.00 a.m. to 2.00 p.m. till filing of charge-sheet and thereafter once in a month, i.e., on first

Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

5. Both Anticipatory Bail Applications are disposed of.

[N.R.BORKAR, J.]