



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3654 OF 2023**

Manoj Dayashankar Trivedi
versus
The State of Maharashtra

... Applicant
... Respondent

Mr. Yasin Kapadia for Applicant.
Mr. S.R.Aagarkar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 12 MARCH 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant, who is arraigned in C.R.No.675 of 2022 registered with Kashimira Police Station for the offences punishable under Sections 21(c) and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 420, 465, 468, 471 and 473 read with Section 34 of the Indian Penal Code, 1860 has preferred this application to enlarge him on bail.
3. The indictment against the applicant and nine co-accused is that, on 27 September 2022, while Kashimira Police were on patrolling, at about 4.00 p.m., near Sharmila Pagi Compound, Kashimira, a tempo bearing registration No.MH-48/CB-4402 and a car bearing registration No.MH-02/By-3422 were found parked adjacent to each other. The police party noticed that the goods from the tempo were being transferred to the car. Upon inquiry, the accused Nos.1 and 2 who were at the wheel

of the said vehicles gave evasive answers. Upon search, the police found 32 boxes containing bottles of RX Chlorpheniramine Malete and Codeine Phosphate Syrup Phensirest Syrup Cough 100 ml each in the tempo. 36 boxes of RX chlorpheniramine Malete and Codeine Phosphate Syrup Recokuf Cough Syrup 100 ml each, were found in the car.

4. Investigation revealed that the applicant had furnished false information about the medical stores at Mumbai to accused No.5 and on that basis accused No.5 had prepared false invoices and the contraband articles were delivered to accused No.6 for transportation through Om Logistic Ltd.

5. Learned Counsel for the Applicant submitted that the co-accused Mayankkumar Vijay Rungatha – accused No.7, Ritik @ Rajabhaiyya Rajesh Khanna – accused No.8, Nileshkumar Santosh Singh – accused No.9, Zamir Shaikh – accused No.3 and Munnakumar Rajbansirai Yadav – Accused No.6 have already been released on bail. The role of the applicant is relatively minor. Therefore, the applicant also deserves to be enlarged on bail.

6. This court has released the above named co-accused on bail by ascribing reasons. Co-accused Zamir Shaikh who had allegedly affixed bogus stamp on the challans has also been released on bail. Evidently, the applicant was not found in possession of the contraband articles. The indictment against the applicant is that he had furnished false information about the medical stores to accused No.5, who had in

turn, prepared false invoices.

7. In the backdrop of the nature of the accusation against the applicant, the interdict contained in Section 37(1)(b) may not be attracted. Since the co-accused have been released on bail, the applicant also deserves the same dispensation. I am, therefore, inclined to exercise the discretion in favour of the applicant.

8. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Manoj Dayashankar Trivedi be released on bail in C.R.No.675 of 2022 registered with Kashimira Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence at Kashimira Police Station on first Monday of every alternate month between 11 am to 1 pm till the framing of the charge.

(iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number

and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the co-accused, and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)