

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.247 OF 2024**

Parshuram Jagdev Sonawane @ Parsha @ Parsu	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Ayaz Khan with Ms. Zehra Charania, Ms. Mallika Sharma i/by Ms. Munira Palanpurwalla, for Applicant.
Mrs. Mahalaxmi Ganpathy, APP for State.
API Rasam, ATS Kalachowky, present.

CORAM: N.J.JAMADAR, J.

DATE : 6 AUGUST 2024

PC.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.24 of 2022 registered with Anti Narcotic Cell, for the offences punishable under Sections 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The indictment against the applicant and co-accused Ashok Gurmitkar (A1), Laxmi Jamadar @ Akka (A2), Santosh Sonawane (A4), Pravin Salve @ Paras (A5) and Nagesh Pawar (A6) is that the applicant and the co-accused were dealing in the illicit trade of narcotic substance,

Mephedrone (MD). Laxmi (A2) had made a disclosure. Pursuant to the said disclosure, the applicant and co-accused were apprehended. The applicant made a discovery on 18 March 2023 and volunteered to show the place where contraband substance was concealed. The applicant led the police party to Ramgarh Slum, Port Road, Shivadi. In the search, a black bag containing six small plastic pouches containing white substance, was found. The Investigating Officer collected all the substance in the one plastic bag. Contraband substance weighed 15 gms. It appeared to be Mephedrone. The said contraband substance was seized and sealed. The applicant and co-accused came to be arrested.

4. Learned Counsel for the Applicant submitted that the applicant was found in possession of 15 gms of Mephedrone. Ashok Gurmitkar (A1) was found in possession of 64 gms of Mephedrone. Ashok Gurmitkar (A1) has been released on bail by the Supreme Court by an order dated 15 July 2024. Though, there is material to indicate that the applicant had transferred certain amount in the account of Eman Shaikh (A8), yet the latter has already been enlarged on bail by the Trial Court. Therefore, at this juncture, further detention of the applicant is unwarranted.

5. Learned APP submitted that the Supreme Court has enlarged Ashok Gurmitkar (A1) considering the period of his incarceration. It was further submitted that the applicant had transferred an amount of Rs.19,39,000/- in the account of Accused No.8 and that shows the complicity of the applicant and underscores the fact that the applicant has been regularly trading in illicit drugs. Therefore, the applicant may not be released on bail.

6. I have perused the material on record. Evidently, 15 gms Mephedrone, an intermediate quantity, was recovered pursuant to the discovery made by the applicant. Ashok Gurmitkar (A1), who was allegedly found in possession of 64 gms of Mephedrone, has been released on bail by the Supreme Court noticing the long period of incarceration and absence of any antecedents of Ashok Gurmitkar (A1). Few other co-accused, namely, Deepak Pawar (A3), Pravin Salve (A5), Nagesh Pawar (A6) and Eman Shaikh (A8), have also been released on bail by the Special Court.

7. In the aforesaid view of the matter, the claim of the applicant for bail on the ground of parity deserves consideration.

8. In any event, the applicant was found in possession of an

intermediate quantity of the contraband substance. Eman Shaikh (A8), in whose account the applicant as well as other co-accused had transferred the amounts, has already been enlarged on bail. Therefore, the said ground of financial transactions cannot be pressed into service to deny the relief of bail to the applicant. I am, therefore, inclined to exercise discretion in favour of the applicant.

9. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Parshuram Jagdev Sonawane @ Parsha @ Parsu be released on bail in C.R.No.24 of 2022 registered ATS, Kalachowki Unit, Mumbai on furnishing a PR bond in the sum of Rs.1,00,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence before ATS, Kalachowki Unit Mumbai on first Monday of every month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.

(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.

(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 trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)