

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 4165 OF 2024

IN

BAIL APPLICATION NO. 4279 OF 2024

Kyle Cummings

...Applicant

Versus

The Union of India & Anr.

...Respondents

- Ms. Lakshmi Raman, for Applicant.
- Mr. S.S. Chandrashekher a/w Ms. Megha Bajoria, for Respondent No.1 – Union of India.
- Ms. Rutuja A. Ambekar, APP for Respondent No.2 – State.

CORAM : MANISH PITALE, J.

DATE : 17th OCTOBER, 2024.

P. C. :

1. Heard learned counsel for the applicant and learned counsel appearing for contesting respondent No.1.

2. At the outset, the learned counsel appearing for respondent No.1 submits that a detailed reply needs to be placed on record in the bail application to meet the grounds being raised on behalf of the applicant for grant of bail on merits.

3. Insofar as the prayer in the interim application is concerned, it is submitted that even on an earlier occasion, when the matter was pending before the Sessions Court, a prayer for such an interim relief in order to participate in an arm wrestling tournament had been rejected. There is no

urgency in the matter and this Court may consider granting time to the respondent No.1 to file reply affidavit, on merits in the bail application.

4. The learned counsel for the applicant, on the other hand, submits that the tournament is to start from 19.10.2024. The bail application raises sufficient grounds to make out a strong *prima facie* case in favour of the applicant for being enlarged on interim bail in order to participate in the tournament starting from 19.10.2024. In that context, reference is made to various documents on record, including the proceedings undertaken before the Magistrate under Section 52A of the NDPS Act.

5. This Court is of the opinion that the grounds being raised in the bail application can be comprehensively considered only after an opportunity is granted to respondent No.1 to file its reply affidavit.

6. The arm wrestling tournament is one of the tournaments that are organized through the year and considering the fact that even on earlier occasion, such a prayer for interim bail was not granted, this Court is of the opinion that the applicant has failed to make out a case for granting any urgent interim relief in the facts and circumstances of the present case. The allegations are serious and they pertain to contraband methamphetamine and MDMA tablets.

7. Unless the respondent No.1 is granted opportunity to file its reply and to respond to the grounds raised in the bail application, it would not be appropriate to grant interim order in favour of the applicant.

8. Nonetheless, there is substance in the contention raised on behalf of the applicant that since he is a sports person who has represented India in arm wrestling, it would be appropriate that the bail application itself is considered urgently on merits, so that if the applicant is able to make out a strong *prima facie* case in his favour, he would be entitled to be enlarged on bail.

9. In view of the above, the interim application is dismissed.

10. The respondent No.1 is directed to file reply affidavit in Bail Application No.4279 of 2024 on or before 12th November, 2024. No further time shall be granted.

11. List the bail application, to be considered on merits, on **18th November, 2024, "High on Board."**

(MANISH PITALE, J.)