



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2210 OF 2024

Zohrabi W/o Anwar Khan Pathan

VERSUS

The State Of Maharashtra And Another

- Mr. P. P. Mandalik, Advocate for the Applicant
- Mr. B. A. Shinde, APP for the Respondent/State

CORAM : R. M. JOSHI, J
DATE : JANUARY 23, 2025

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 307/2023 registered with Vimantal Police Station, Dist. Nanded for the offences punishable under Sections 20(B)(II) and 22 of the Narcotic Drugs and Psychotropic Substances Act.

2. The first information report indicates that police received secret information about contraband articles exchanging in hands. Raid was conducted. Co-accused were arrested. One of the co-accused is the auto driver. The contraband articles were found in auto rickshaw. In the FIR it is claimed that co-accused named present Applicant to be the supplier of the contraband articles.

3. Learned Counsel for the Applicant submits that the Applicant is lady. According to him, investigation is over and charge-sheet is filed. By drawing attention of the Court to the charge-sheet it is his contention that there is absolutely no evidence to connect Applicant with this crime except that the statement of co-accused under Section 27 of the Evidence Act. It is his submission that in view of the law settled by the Hon'ble Supreme Court, only on the basis of statement of co-accused involvement of the Applicant in the crime cannot be presumed.

4. Learned APP opposed the application on the ground of seriousness of the crime. It is his submission that the contraband articles are seized in huge quantity from the co-accused. He drew attention of the Court to the statement recorded of the co-accused under Section 27 of the Evidence Act in order to submit that there is evidence other than the statement of the co-accused to seek involvement of the Applicant in the crime.

5. The law on the point of considering the

involvement of the accused is fairly settled to say that merely on the basis of the statement of co-accused, such involvement cannot be presumed. However, if there is some other evidence in order to support the said statement, *prima facie*, involvement of the Applicant in the crime can be considered. Herein this case, there is statement recorded of the co-accused under Section 27 of the Evidence Act in which he claims that he met the Applicant at a premises. Though charge-sheet indicates that the investigating officer has written to concerned local authority seeking information about ownership of the said property, no such evidence is found in the charge-sheet. Thus, there is no material to connect the Applicant with this crime. Hence, Application stands allowed. Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicant in connection with with C.R. No. 307/2023 registered with Vimantal Police Station, Dist. Nanded for the offences punishable under Sections 20(B)(II) and 22 of the Narcotic Drugs and Psychotropic Substances Act, she shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in

the like amount.

(ii) She shall not contact the witnesses directly or indirectly.

(iii) She shall not interfere with the evidence in any manner whatsoever.

(R. M. JOSHI, J.)