

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4528 OF 2024
(sr.no.22)

Tushar S. Kale ...Applicant
V/s.
The State of Maharashtra ...Respondent.

WITH
BAIL APPLICATION NO. 4530 OF 2024
(sr.no.22)

Kiran D. Rajguru ...Applicant
V/s.
The State of Maharashtra Anr. ...Respondents.

WITH
BAIL APPLICATION NO. 4522 OF 2024
(sr.no.22)

Ashok B. Sankpal ...Applicant
V/s.
The State of Maharashtra ...Respondents.

WITH
BAIL APPLICATION NO. 5046 OF 2024
(sr.no.22)

Chetan F. Dandvate ...Applicant
V/s.
The State of Maharashtra ...Respondent.

AND
BAIL APPLICATION NO. 694 OF 2025
(sr.no.23)

Mandar B. Bhosale ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. Ayaz Khan i/b Ms Swarali Joglekar for the Applicant in BA/4528/24.

Ms Swarali Joglekar for the Applicants in BA/4530/24, BA/5046/24 & BA/694/25.

Mr. Shekhar V. Mane i/b Mr. Sandeep Magar for the Applicant in BA/4522/24.

Mr. Shishir Hiray, Spl.P.P. (through VC) a/w. Adv. Sanjay Kokane, Adv. Anshuman Asare for the Respondent/State.

Sr. PI Santosh Patil, Pimpri-Chinchwad/NCB is present.

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CORAM : N.R. BORKAR, J.
DATE : 30.04.2025.

P.C. :

1. As all these applications are arising out of one and the same crime, they are being disposed of by this common order.
2. The applicants came to be arrested in Crime No.1089 of 2020 registered at Chakan Police Station, Pune for the offences punishable under Sections 8(c), 21(c), 22(c), 29, 31(A) and Section 27(A) of the Narcotic Drugs and Psychotropic Substance Act (NDPS Act) and Section 120-B of the Indian Penal Code (IPC).
3. The aforesaid crime came to be registered against the applicants and other co-accused as they were found to be involved in manufacturing and sale of psychotropic substance, i.e., Mephedrone.
4. The bail is sought on the ground of parity. In support of said ground, learned counsel for the applicants have placed on record the order passed by this Court dated 14.10.2024 in Criminal Bail Application No. 2987 of 2022 and other connected applications. By the said order, this Court has released eight co-accused on bail.
5. Learned counsel for the applicants submit that this Court has released the said co-accused, *inter alia*, on the ground of long incarceration as the said co-accused were in jail for 4 to 5 years. It

is submitted that the order passed by this Court was challenged before the Hon'ble Supreme Court and the Hon'ble Supreme Court has declined to interfere with the order of this Court due to long incarceration of co-accused for 4 to 5 years.

6. Learned Special PP for the respondent/State submits that the applicants are involved in serious crime. It is submitted that this Court has released the co-accused on bail on the ground that there is a non-compliance of Section 52-A of the NDPS Act, however, the Hon'ble Supreme Court has held that the same was not attracted in the present case. It is submitted that considering the nature of crime, the applicants may not be released on bail.

7. It is not disputed that the present applicants are in jail for 4 to 5 years. The Hon'ble Supreme Court has declined to interfere with the order of this Court as the co-accused were in jail for 4 to 5 years. As the present applicants are also in jail for 4 to 5 years and thus, I am inclined to release them on bail. In the result, the following order is passed.

ORDER

A] All the Applications are allowed.

B] The applicants be released on bail in C.R. No. 1089 of 2020 registered at Chakan Police Station, Pune for the offences punishable under Sections 8(c), 21(c), 22(c), 29, 31(A) and Section 27(A) of the NDPS Act and Section 120-B of the IPC on furnishing P.R Bond in the sum of Rs.50,000/-

(Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

C] The applicants shall cooperate with the trial Court for an expeditious trial.

D] The applicants shall report to the Anti Narcotic Cell, Pimpri Chinchwad, on the first Monday of every month between 10 am and 12 pm.

E] The applicants shall not tamper with the evidence of the prosecution and shall not influence any witness or other person concerned with the case.

F] The applicants shall surrender their passport, if any, with the Trial Court.

G] The applicants shall submit their residential address and mobile number to the Trial Court and update them in the event of any change.

H] Needless to record that in case of violation of any of the conditions, the prosecution would be entitled to seek cancellation of bail.

[N.R.BORKAR, J.]