

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4701 OF 2024

1. Nandan Dinesh Yadav
2. Akhilesh Gajraj Yadav

.. Applicants

Versus

The State of Maharashtra

.. Respondent

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- Ms. Shagufta Patel a/w Mr. Dileep Satale, Ms. Swati Panjwani & Ms. Padma Chinta for Applicants
- Ms. Rajeshree V. Newton, APP for Respondent - State
- Mr. Kishor Kharat, PSI, Sahar Police Station, Mumbai

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 18, 2025

P. C.:

1. Heard Ms. Patel, learned Advocate for Applicants and Ms. Newton, learned APP for State.

2. Applicants - accused have filed the present Application for regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "**BNSS**") in connection with Crime No. 707/2024 registered with Sahar Police Station for the offence punishable under Sections 125, 327 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, "**BNS**") and Section 3(1)(C) and 3A(1)(B) of the Suppression of Unlawful Acts against Safety of Civil Aviation Act.

3. Applicants are arraigned as accused Nos. 4 and 5 respectively in the present crime. Accused No. 4 is a delivery boy with

a Shipment Company belonging to accused No. 3. Accused No. 2 picked a specific parcel of inflammable powder like substance, viz; Hydrogen Peroxide from his office to be shipped to the addressee. Accused No. 4 who is Applicant No. 1 before me delivered the said parcel at the airport on the instructions of accused No. 3 (his employer) for delivery. Accused No. 5 is the friend of accused No. 4. Since parcel was required to be delivered at the airport and accused No.4 did not have conveyance, he requested his friend i.e. accused No. 5 to accompany him and help him to reach there on his motorcycle for the delivery of parcel. Both accused Nos. 4 and 5 therefore delivered the parcel.

4. On 24.02.2025 this Court had given directions to learned APP to take specific instructions on the role of present Applicants in the crime and ascertain whether they are indeed delivery boys working for the Shipment Company and whether they were working under the directions of accused No. 3. Today learned APP would inform the Court that in so far as accused No. 5 is concerned, he is an event manager by profession and he is the friend of accused No. 4 who helped him on that particular day to deliver the said parcel for effecting the shipment. It is seen that the said parcel thereafter exploded leading to filing of the present offence. Be that as it may, the role of accused Nos. 4 and 5 and more specifically after it is confirmed

that accused No. 4 was working as a delivery boy for accused No. 3's Shipment Company, it can be ascertained that he was a mere delivery boy. Insofar as accused No. 5 is concerned, his role was to help his friend i.e. accused No. 4 and *prima facie* from the chargesheet, there is nothing incriminating found to disentitle the present Applicants i.e. both accused Nos. 4 and 5 for being enlarged on bail. Case of the Applicants before me is *prima facie* covered by the decision of the Division Bench of Calcutta High Court in the case of ***Narayan Dey & Ors. Vs. State of West Bengal***¹ and in that view of the matter, present Bail Application is allowed subject to the following terms and conditions:-

- (i) Applicants are directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 10,000/- each with one or two sureties in the like amount;
- (ii) Applicants are permitted to furnish provisional cash bail of Rs. 10,000/- each for their release immediately and file an undertaking that they will provide one or two sureties in the like amount of Rs. 10,000/- each within a period of four weeks after their release which shall be accepted by the Trial Court. Applicants shall provide sureties as directed;

1 CRM (NDPS) 40 of 2025 decided on 13.02.2025 : 2025 SCC OnLine Cal 1371

- (iii) Before their actual release from jail, Applicants shall furnish their addresses where they proposes to reside after their release from jail to the concerned Police Station and also to the trial Court;
- (iv) After their release from jail, Applicants shall report to the Investigating Officer as and when called for;
- (v) Applicants shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark their presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicants shall mark presence on the next working day;
- (vi) Applicants shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if they do so, it will entitle the prosecution to apply for cancellation of this order;
- (vii) Applicants shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (viii) Applicants shall not influence with any of the witnesses or tamper with the evidence in any manner; and

(ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking their attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

5. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

6. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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by RAVINDRA
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2025.03.18
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