

Ajay

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

CRIMINAL BAIL APPLICATION NO. 4940 OF 2024

Anas Mohammad Jahangir Ansari	.. Applicants
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Anish Pereira a/w. Ms. Ashwini Achari, Advocates i/by Mr. Taraq Sayed for Applicant.
 - Ms. Megha S. Bajoria, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 29, 2025.

P.C.:

1. Heard Mr. Pereira , learned Advocate for Applicant and Ms. Bajoria, learned APP for Respondent – State.

2. The Applicant has been indicted as Accused No.3. On the statement of co-accused i.e. Accused No.2, there is no recovery made from the Applicant. The principal recovery is made from Accused No.1 of 80 grams of MD in a chance recovery. Accused No.1 has disclosed the name of Accused No.2 and on further disclosure from Accused No.2 recovery of 58 grams of MD has been effected from him.

3. Accused No.2 has revealed the name of present Applicant being the supplier. The only material placed on record by prosecution to show nexus of Applicant are CDR records. A summary statement of

CDR is placed on page No.140 of the Bail Application. It is seen that Accused No.3 and Accused No.2 have known each other over a period of time and 40 calls are exchanged between them. It was held in the case of *Tofan Singh Vs. State of Tamil Nadu*¹, disclosure statement of co-accused without corroboration is not permissible as evidence. Existence of CDR connectivity does not *per se* indicate complicity in the commission of crime. Merely on the basis of the said phone calls and the summary statement, indictment of the Accused cannot be considered.

4. That apart, prosecution has also not conveyed the grounds of arrest under Section 50 of the Code of Criminal Procedure, 1973 to the Applicant whether the same have been informed to or not will be find out by the learned APP by placing a copy of charge-sheet before this Court.

5. Let the copy of charge-sheet be placed on record by the learned APP.

6. Accused No.1 is already enlarged on bail by the learned Sessions Court on 20.12.2024.

7. Stand over to **31st January 2025**.

[MILIND N. JADHAV, J.]

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¹ (2021) 4 SCC 1