

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.199 OF 2025

Prashant Yallappa Patil

.. Applicant

Versus

State of Maharashtra

.. Respondent

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- Ms. Aruna Pai, Advocate for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent.
- Mr. Sopan Bhagwat Wadkar, PSI, Pairavi Officer, Saki Naka Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 05, 2025

P.C.:

1. Heard Ms. Pai, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent.

2. The facts in the present case *prima facie* on the face of record appear to be gross. On 12.02.2025, I had specifically directed the learned APP to take appropriate instructions on the issue stated in the paragraph No.3 of the order. Today when the matter has reached for hearing learned APP persuades the Court to take up the matter on some other day since he has no instructions. That apart, Ms. Pai reveals some startling issues which cannot be lost sight of. She informs the Court that there are total 5 Accused arrested in the present crime and Accused Nos.2 and 3 have been released on bail.

3. In so far present Applicant is concerned he is arraigned as

Accused No.4. She would submit that there is no conscious recovery of any alleged contraband from him neither he has been named by any of co-accused persons in the present crime. Reason for noting this down is because on the last date, Court had noted that Applicant is indicted solely on the statement of co-accused. She has pointed out indictment and subsequent arrest of Applicant is on basis of secret information received by prosecution which is appended at page No.32 of the Application.

4. When the said information is read, it is *prima facie* seen that some secret informer had informed the police authorities about the role of Applicant. However, the role of Applicant is not clear as to why he has been indicted in the present crime. If there is no any issue *inter alia* pertaining to any money trail leading to the present Applicant arraigned as Accused No.4, prosecution may point that out. According to Ms. Pai, Applicant has no nexus whatsoever with other co-accused arraigned in the present crime. Applicant is a B.Sc. Graduate and working in a Fertilizer Company in Pune and a married person as informed by her.

5. She would fairly point out that according to prosecution case, Accused No.5 – Hukmaram Bharmal Chaudhari in his Nivedan Panchanama at page No.182 of the Application has stated that he is hailing from Rajasthan and he is manufacturing the contraband in

conjunction with present Applicant. That is the only reference to Applicant, but it is unrelated to the present crime in question and is a general statement. The prosecution shall take appropriate instructions on the above submissions and accordingly apprise the Court about the role of Applicant.

6. Stand over to **12th March, 2025**. To be placed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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