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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 311 OF 2025

Okechukwu Okeke Linus

Applicant /
.. Accused No.2

Versus

Union of India and Anr.

.. Respondents

.....

- Mr. Anish Pereira, Advocate i/by Taraq Sayed for Applicant.
- Ms. Rajeshree V. Newton, APP for Respondent No.2 – State.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 03, 2025.

P.C.:

- 1.** Mentioned at the time of rising of the Court.
- 2.** Heard Mr. Pereira, learned Advocate for Applicant and Ms. Newton, learned APP for Respondent No.1 – State.
- 3.** Indictment of Applicant as Accused No.2 in the present crime is only on the basis of statement of co-accused i.e. Accused No.1. Statement of co-accused No.1 is appended at page No.86 of the Application. Mr. Pereira informs the Court that it is that statement which indicts the role of Applicant being the alleged recipient of the contraband in question. Commercial quantity of 628 grams has been recovered from the possession of Accused No.1. It is the case of prosecution that indictment of present Applicant is solely based on the statement of Co-accused. Applicant is incarcerated since 12.04.2024.

4. Ms. Newton, learned APP for Respondent No.2 - State is directed to take appropriate instructions from the concerned Investigating Officer and apprise the role of Applicant in the crime to the Court on the next adjourned date.

5. If there is any other reason for indictment of the Applicant namely relating to transfer of money, CDR record, whatsapp messages, chats etc which are incriminating in nature, the same may be pointed out by the prosecution.

6. In view of the above, present Application shall be heard on the next date which may be noted by the prosecution.

7. Contesting Respondent No.1 in the present case is Union of India namely Directorate of Revenue Intelligence. I am informed that they have been served with a copy of the Application.

8. Respondent No.1 – Union of India is directed by this Court to depute a responsible Advocate / Counsel to appoint in the present Application. If required, Respondent No.1 – Union of India shall file its Affidavit-in-Reply positively within a period of two weeks from today. Copy of this order be served on Union of India by Applicant's Advocate.

9. Stand over to **19th March, 2025**. To be placed on the 'Supplementary Board'.

[MILIND N. JADHAV, J.]

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