

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3844 OF 2025**

Sanjay Pralhad Phulkar	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Taraq Sayed *a/w Anish Pereira a/w Ashwinii Achari, for the Applicant.*

Ms. Poonam P. Bhosale, *APP for the State-Respondent.*

API – Nilesh Dhumal, *ANC, Mumbai, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 9th October 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 201 of 2025 dated 15th April 2025 registered with Nerul Police Station for the offences punishable under Sections 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act') and Section 255 of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. There are in all 25 accused. As far as the present Applicant is concerned, there is no recovery from him.

However, during interrogation, co-accused have implicated the present Applicant by a statement to the effect that the present Applicant is a Nayak in the police department and has demanded certain amounts from the accused to protect their interests. In this manner, he is implicated in the present C.R.

3. Mr. Taraq Sayed, learned Counsel for the Applicant, submits that there was no recovery from the present Applicant and it is only on the basis of the statement of the co-accused that Section 255 of the BNS is invoked against him. In any case, the offense under the said provision is bailable. He thus, prays that the Applicant be enlarged on bail.

4. Ms. Poonam Bhosale, learned APP representing the State, submits that although nothing was recovered from the present Applicant, there is a conspiracy amongst all 25 accused and the present Applicant, being a police officer, a greater degree of integrity is expected of him. She submits that the co-accused has stated that the present Applicant demanded an amount of Rs.10 Lakh from the accused to

secure their interests. Ms. Bhosale also brings to my attention a chat between accused Nos. 5, 6 and 7, all of whom are police officials to show the conspiracy. She thus, resists the bail application.

5. Heard learned Counsel appearing for the respective parties and perused the record with their assistance.

6. Admittedly, there is no recovery from the present Applicant. I have seen the chats tendered by Ms. Bhosale, which are alleged to be between co-accused *inter se* the chats are between police officials, *albeit* both of them are accused in the case. In any case, the said contents and veracity of chats, can be appreciated during the trial. Moreover, there is nothing of significance in the chats to reach a conclusion that it is related to the offence alleged to have been committed by the present Applicant, at this stage. Section 255 of the BNS is a bailable offence. There is no other material on record to indicate the complicity of the present Applicant in the crime.

Hence, I am inclined to grant bail to the Applicant on the following conditions:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.1,00,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- vii) The Applicant to co-operate with the conduct of the trial;
- viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

7. Application is allowed in the above terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)