

M.Cr.C. No.4235/2013

28/6/2013

Shri Sanjay Sharma, learned Counsel for the applicant.

Shri R.S. Parmar, learned Counsel for the respondent/State.

By this application filed u/s 439 of the Cr.P.C., applicant Raju @ Radheshyam has moved the application for grant of bail being implicated in criminal case No.98/2012 registered by police station Ringnod District Ratalm for offence under Sections 8/18 (c) of the N.D. P.S. Act.

Counsel for the applicant has vehemently urged that it was a case of false implication. Counsel submitted that the actual contraband weighing 3.45 kg. opium has been recovered from the custody of the co-accused Gopal and nothing has been recovered from the present applicant. Counsel further submitted that the prosecution was not even sure about the identity of the applicant at the relevant time and in search one Raju had been implicated and the applicant has been falsely implicated in the matter because

he has been named Raju @ Radheshyam and no other evidence is available on record to implicate the applicant. Moreover, Counsel submitted that if at all this is the first offence by the applicant. Hence, Counsel prayed that the application for grant of bail be allowed since the applicant is in jail from 27/12/2013.

Counsel for the respondent/State, on the other hand, has opposed the submission of the Counsel for the applicants. He has submitted that the confusion arose because the actual name of the applicant was suppressed by him and he is the same individual as alias named Raju and father's name is appropriately Chhaganlal. However, he has candidly admitted that there are no other criminal cases recorded against the present applicant. However, Counsel has prayed for dismissal of the application.

On considering the above submissions, material available in the case diary and looking to the young age of the applicant, I find that the application for grant of bail needs to be allowed considering the young age of the applicant and the fact he is likely to deteriorate in the custody and it is allowed in the interest of justice. However, stringent condition needs to be imposed.

It is ordered that the applicant be released on bail on his furnishing a personal bond for a sum of **Rs. 1,00,000/-** (Rupees One lac. only) with one **local** surety of the like amount to the satisfaction of the Trial Court for his appearance before the concerned trial Court on all dates of hearing as may be fixed by the Trial Court in this behalf during the pendency of trial.

it is further directed that he shall also mark his presence in the concerned police station on the first **Sunday of every month** between 10.00 a.m. to 12.00 noon during pendency of the trial. Any default in attendance in court and marking presence in the concerned police station, would result in cancellation of bail granted by this Court thereby entitling the police to take the applicant in custody immediately.

It is also directed that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

C.c. as per Rules.

(Mrs. S.R. Waghmare)
Judge