

Cri. Bail Application No. 623/2023  
Walmik Tukaram Sonawane  
Vs. State  
CNR No.MHNS070015372023

**ORDER BELOW EXH.1**

1. This is an application for bail under Section 439 of the Code of Criminal Procedure, in Crime No.168/2023, registered with Malegaon Camp Police Station, Tal. Malegaon, Dist. Nashik, for the offences punishable under sections 328, 272, 273, 188 of the I.P.C.
2. Heard the learned counsel for the applicant and the learned A.P.P, for the State. Perused the record.
3. It is submitted by the learned counsel for the applicant that Section 328 of the IPC is not applicable, as there was no administration of contraband substance, apart from his submission on the merits of the matter.
4. Per contra, it is submitted by the ld. APP that the applicant is likely to repeat the crime. Investigation is in progress. He is likely to tamper with the evidence.
5. As per the F.I.R., the applicant was found possessing certain contraband articles.
6. In the light of the recent view of the Hon'ble Bombay High Court, in catena of cases, that Section 328 of the IPC is not applicable unless there is the administration of substance, the

applicant deserves to be enlarged on bail, due to which, I proceed to pass the following order.

**ORDER**

- (1) The application is hereby allowed.
- (2) The applicant be released on bail, on his executing P.R. bond of ₹. 25,000/- [₹. Twenty Five Thousand Only], with one or more sureties in the like amount, in the aforesaid crime, on the following conditions;
  - i. The applicant shall not tamper with the prosecution witnesses in any manner.
  - ii. The applicant shall not indulge into any similar crime.
  - iii. The applicants shall cooperate with the Police.

Date: 08/08/2023  
Place: Malegaon

( S.U. Baghele)  
Addl. Sessions Judge, Malegaon.