



Criminal M.A. No. 178/2022

Shahajirao Mugutrao Kakde

Vs

The State of Maharashtra

Vadgaon-Nimbalkar Police Station

CNR No. MHPU140036832022

ORDER (BELOW EXH.1)

This application has been filed by the Applicant for relaxation of condition '2' in the bail Order passed by this Court below Exh.1 in Criminal MA No.158/2022 dated 26/08/2022.

2] According to the Applicant while allowing the above mentioned criminal MA No.158/2022, this court has directed the applicant to attend the concerned police station on alternate Sunday in between 12.00 p.m. to 04.00 pm. in respect of investigation of crime till the filing of charge-sheet and as per the above said order passed by this court, applicant is regularly attending the police station. The applicant submits that he is old age person and on 05/10/2022 due to low BP and back-ache he was admitted to Sai Seva Multi-specialty Hospital, ICU, Waghalwadi, Tal. Baramati, Dist. Pune and later on he discharged from the said hospital. According to applicant looking his ailment doctor advised him to take rest and not to travel. The applicant submits that the office of Economic Offences Wing, Crime Branch Pune Rural is situated at Pashan i.e. 100 km away from his place of residence and due to order of this court he required to attend the police station quarterly i.e. on every alternate Sunday in between to 12.00 p.m. to 04.00 p.m. and it causes hardship to him. By mentioning various other grounds applicant submits that investigation of his crime is well in progress and same is on the verge of completion. However, some report from handwriting experts are awaited and due to that charge-sheet in this crime could not be prepared and filed before concerned court. In such

situation applicant prayed for relaxation of above said condition in respect of his attendance as specifically mentioned in condition '2' in the above mentioned order at concerned police station along-with other prayer.

3] On the other hand, APP and Investigating Officer filed their say below Exh. 6 and submitted that the offence is very serious in nature and applicant is not supporting the investigation. The important documents are yet to be seized and recovered. The investigation of this crime is in progress and same is not completed. In such situation if applicant is allowed then possibility of absconding the accused cannot be ruled out. In such situation prosecution has prayed for rejection of this application.

4] In the light of submission advanced before me, I have also gone through the record including the medical papers filed by applicant on record. It reveals to me that on the basis of report lodged by informant, PSO of Police Station Vadgaon - Nimbalkar registered the crime against the applicant/accused for an offence punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code vide Crime No.80/2022 and subsequently investigation of this crime has been allotted to Economic Offence Wing of Crime Branch, Pashan, Pune as per the order passed by Superintendent of Police, Pune and further investigation is seems to be in progress. Admittedly, charge-sheet of this crime is not filed till today.

5] However, considering the facts advanced before me about the necessity of applicant/accused to attend the office of Investigating Officer for investigation purpose and keeping in mind the age and ailment from which applicant/accused is suffering today, I am of the opinion that if the above said condition is relaxed upto certain extent, subject to certain

condition, then it will not affect the investigation of prosecution.
Hence with these words, I proceed to pass following order :

ORDER

1. This Cri. M.A. No.178/2022 is hereby partly allowed.
2. The Condition '2' in the Criminal MA No.158/2022 dated 26/08/2022 is hereby modified and partly relaxed with condition that he shall attend the concerned Police Station on first Sunday of every month in between 12.00 p.m. to 4.00 p.m. in respect of investigation of crime till filing of the charge-sheet.
3. In spite of the above mentioned day, applicant/accused shall attend the police station as and when required as per direction of the Investigating Officer.
4. The Investigating Officer shall maintain the Register of attendance of Applicant/accused at the office of Crime Branch.
5. The Investigating Officer shall be informed accordingly.

Date :- 01/12/2022

(R.K. Deshpande)
Additional Sessions Judge,
Baramati.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word for word as per original Order.

Name of Stenographer	:	Mrs. B.J. Khandre (Steno-G1)
Court Name	:	R.K. Deshpande Additional Sessions Judge, Baramati, Dist. Pune.
Date of Order	:	1/12/2022
Order signed by	:	
Presiding Officer	:	2/12/2022
Order uploaded on	:	2/12/2022