

ORDER BELOW EXH. 01 IN
CRIMINAL BAIL APPLICATION NO. 5655 OF 2022
(Nopsingh Jalsingh @ Jhalamsingh Rajput Vs. State)
(CNR No.MHPU01-017033-2022)

The applicant/accused by name Nopsingh Rajput has moved this application for regular bail in Crime No. 564 of 2022 registered by the Police Station Nigdi, Pune for the offences punishable under sections 188, 269, 270, 272, 273, 328 r/w 34 of the Indian Penal Code.

2] It is the story of prosecution that the complainant Balasaheb Suryawanshi is attached to the Police Station, Nigdi as a Police Head Constable. On 29-07-2022 he received confidential information that one person was selling contraband articles illegally in the Pan Stall by name 'Om Sai Stores' at Akurdi. Accordingly, he and other police staff along with panchas went to the spot and conducted raid. They found that accused Ramkumar Dashrath Jaiswal was possessing and selling contraband articles worth Rs. 5581/-. They seized those contraband articles. They enquired with him and he stated that applicant/accused Nopsingh Rajput brought those contraband articles there. The informant lodged the report and, thereupon, offence as referred above came to be registered.

3] Perused the say filed by learned Additional Public Prosecutor and the copies of police papers produced by learned APP. Heard both sides.

4] The learned advocate for applicant/accused has submitted that the accused has not committed any offence. The investigation is completed. There is nothing to discover or recover. Section 328 of Indian Penal Code is not attracted to this offence. The remaining offences are bailable. The co-accused Ramkumar Jaiswal is already released on bail by order dated 12-08-2022 in Cri Bail 5176/2022. The accused is ready to abide the terms and conditions of the bail. Hence he be released on bail.

5] Per contra, the learned A.P.P. has argued that this offence is serious in nature. There is possibility of tampering the prosecution witnesses. The investigation is not yet completed. Name of accused from whom he has purchased contraband articles are yet to be investigated. If the accused is released on bail, he will commit the same type of offence.

6] After considering the submissions advanced by both the sides, it appears that the prosecution has not come with the ground that there is any recovery or discovery is to be done. There is a question as to whether section 328 of IPC is applicable or not. The other offences are bailable. The accused is ready to abide with the terms and conditions of the bail. Therefore, accused is entitled for the bail. Hence, I proceed to pass the following order :-

ORDER

- (i) The applicant/accused Nopsingh Jalsingh @

Jhalamsingh Rajput be released in Crime No.564 of 2022 registered by the Police Station Nigdi, Pune for the offences punishable under sections 188, 269, 270, 272, 273, 328 r/w 34 of the Indian Penal Code on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) and furnishing one or two solvent sureties in the like amount.

- (ii) He is directed to attend the police station, Nigdi on every Monday in between 11.00 a.m. till 3.00 p.m. and also as and when required by the investigating officer till filing of the chargesheet. He is also directed to co-operate in the investigation.
- (iii) He is directed not to give any threat, inducement or promise to any witness and not to tamper any prosecution evidence in any way.
- (v) Bail before remand / concern court.

(Dictated and Pronounced in Open Court.)

Pune.
Dt. 02/09/2022.

(R. N. Hiwase)
Additional Sessions Judge, Pune.

CERTIFICATE

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

Name of Steno : M.R. Saptarshi,
(Stenographer Grade-I)

Court Name : R. N. Hiwase
Adhoc District Judge -2 and
Additional Sessions Judge,
Pune.

Date of Order : 02/09/2022

Order signed by the
Presiding Officer : 02/09/2022

Order Uploaded on : 02/09/2022