

MHPU010032702025



Ashok
Vs.
State

Order below Exh.01
(Dated 06th March, 2025)

The present application has been e-filed by applicant/accused namely **Ashok Haridas Tonpe** under section 483 of The Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of bail in connection with crime no.579/2024 registered with Police Station Nigdi, for the offences punishable under Sections 137(2), 140(2), 115(2), 352, 351(2) read with section 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Perused application and Say of Investigating Officer. Also perused copy of charge-sheet. Heard Ld. Advocate for the applicant/accused and Ld. APP for the State.

3. It Is contended by the advocate for applicant/accused that totally false case has been made against the present applicant/accused by the informant with the help of Police machinery. The alleged incident has not taken place and it is the creation of informant. The applicant/accused was not present at the place of the incident. There is delay in lodging FIR, which is not explained. The informant has criminal background and many cases are filed against him. Applicant/accused is suffering from plan hatched by the informant due to political rivals. Now injured has been discharged from the hospital and police has already recovered articles from the spot of incident. Investigation in present crime is completed and charge-sheet has been filed. Applicant/accused is innocent and has not committed any offence as alleged by the

informant. The first bail application of applicant/accused was rejected as the investigation was going on. The co-accused have been released on bail and ground of parity is applicable to the applicant/accused. The applicant/accused has not committed any offence whatsoever punishable with imprisonment for life or death sentence. There is no prima facie case made out against the applicant/accused. The applicant/accused is no way concerned with the alleged offence. No purpose would be served by keeping the applicant/accused behind the bars. No incriminating article has been recovered at the instance of the applicant/accused. The applicant/accused is permanent resident of given address, therefore, there is no chance of his fleeing away. The applicant/accused is ready to co-operate with the prosecution and ready to abide by all terms and conditions, if any, imposed by this Court while releasing him on bail, therefore, it is prayed to allow the application.

4. *Per contra*, I.O and Ld.APP strongly opposed the application contending that the present offences are of serious nature. The applicants/accused have not co-operated in the investigation, they have not provided information regarding absconding accused Sangram Rajput and driver. The search of absconding accused is going on and they are to be arrested. The black coloured car bearing No. MH-45-AL-2800, used in commission of crime, is to be seized. If the applicant/accused is released on bail, there is possibility that he will pressurize the witnesses, he will again commit such type of offence, so also there is danger to the life of informant or witnesses from the applicant/accused and they may be refrained from giving evidence. Therefore, it is prayed to reject the application.

5. On perusal of copy of charge-sheet, it appears that the pet name of applicant/accused has been mentioned in FIR. It further appears that there was previous money transaction between injured Faiyaz and absconding accused Sagram Rajput. The charge-sheet further shows that the injured had received call from one mobile number, who asked him to show one Indica car and accordingly injured had been to the place of incident to show said car. At that time, two cars came there, out of those cars in one car applicant/accused, Sangram Rajput and two other persons were there and in another car two other persons were there and they suddenly started assaulting injured by means of fist and kick blows. There is allegation that absconding accused Sangram assaulted injured by belt. There is allegation that they all abducted injured and asked to pay Rs.3,50,000/-. On that injured called his friend on mobile and asked to bring Rs.3,50,000/-. Thereafter, the informant was threatened and was taken to Hadapsar Police Station by applicant/accused and co-accused fled away. It appears that the applicant/accused was taken to Nigadi Police Station.

6. It appears that the earlier bail application of applicant/accused was rejected as the investigation was going on. Now the investigation is over and charge-sheet has been filed. There is no allegation that the applicant/accused has used any lethal weapon to commit the crime. There is also no allegation of causing grievous injury to injured. The applicant/accused had himself taken the injured to police station Hadapsar. The offences levelled against the applicant/accused are not punishable with death sentence or alternatively for life imprisonment. There is also no contention of prosecution that the applicant/accused is having criminal record. The

arrested accused have been released on bail. There is no chance of commencement of trial in near future, so no purpose would be served by keeping the applicant/accused behind the bars. Therefore, considering the allegations against the applicant/accused, role attributed to him, punishment prescribed to the offences, completion of investigation and no criminal antecedent against the applicant/accused, I am inclined to exercise discretion in favour of applicant/accused to enlarge him on bail on certain conditions to safeguard the interest of prosecution. Hence, I proceed to pass following order:-

- i) Application (**Exh.1**) for bail is hereby allowed.
- ii) Applicants/accused **Ashok Haridas Tonpe**, be released on executing Personal Recognizance Bond of Rs.75,000/- with one solvent surety in the like amount, in connection with crime No.579/2024 registered with Police Station Nigdi, for the offences punishable under Sections 137(2), 140(2), 115(2), 352, 351(2) read with section 3(5) of BNS, on the following conditions:-
 - a) The applicant/accused shall not enter into the vicinity of the informant and witnesses, so also the applicant/accused shall not contact them by any mode or manner till the conclusion of trial.
 - b) The applicant/accused shall attend date of proceeding during trial, regularly.
 - c) The applicant/accused shall not commit an offence similar to the offence of which he is accused, or any other offence.
 - d) The applicant/accused shall file proof of his permanent residential addresses and address proof of his

two relatives (excluding his parents and siblings) at the time of furnishing surety.

e) The applicant/accused shall furnish his valid mobile number and valid mobile numbers of his two relatives and surety before Ld. Magistrate while furnishing surety.

f) The applicant/accused shall not leave District Pune without prior written permission of investigating officer till committal of his case and without prior permission of Ld. Trial Court after committal of his case.

g) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

iii) Breach of any of the above mentioned condition shall be the ground for prosecution to move application for cancellation of bail of applicant/accused.

iv) Bail before concerned Ld. JMFC Court Pune.

Date : 06/03/2025.

(R.R. Mendhe)
Additional Sessions Judge,
Pune.

Order below Exh.01
Cri.Bail Appln. No. 1235/2025

CERTIFICATE

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

Name of Steno : I. E. Deshmukh (Steno Grade-I)

Court Name : Shri. R.R.Mendhe,
Addl. Sessions Judge, Pune

Date of order : 06/03/2025

Order uploaded on : 06/03/2025