

- 1 The present application is filed by the accused in Cr Reg No 11184009221133/2022 of Sankheda police station after filing of the chargesheet in the case, to released him on bail under section 437 of The Code of criminal procedure . Heard the A.P.P. & the advocate appearing on behalf of the accused.
- 2 The brief facts of the case are that the accused(s) after breaking lock of main door of complainant house entered into of the complainant house and stole ornaments of total amount Rs 383192/-. The offences for which the present FIR is registered are Section 454,457,380,114 of the Indian Penal Code.
- 2 The advocate appearing on behalf of the accused, vehemently, submits that the investigation in the case in completed by the I.O. The Ld. Advocate further submits that the accused is arrested on basis of suspicion and accused is labourer and he is not at all involved in the commission of crime and he is permanent resident of Dahod District and he will not fled from trial if the court released him on bail. Secondly, all the offences are triable by Judicial Magistrate First Class.. The advocate further submit that the criminal jurisprudence says that sswhile deciding the bail application the court should not get into the merits of the case.He further submits that the accused will comply with all the conditions, if enlarged on bail.
- 3 The Ld. APP submits that the I.O. after completing the investigation filed the chargesheet against the accused under Section 457,380,114 of the Indian Penal Code. Which is a offence of serious nature. The offences for which the accused is charged have punishment of 14 years. He further submits that the present application is filed by the accused after filing of the chargesheet against him and earlier bail application of the accused is rejected by the Hon'ble Additional District Court Bodeli and mere filing of the chargesheet is not change of circumstances. The accused have been involved in a serious offence and has therefore prayed for rejecting the present application.
- 4 It is vital to mention here that the Section 380,454,457 of Indian penal code is a non-bailable offence. It appears from the record that the

accused has been booked for an offence which is of a serious nature. The seriousness of the offence should be considered while deciding bail applications. The I.O. has submit chargesheet against the accused and there is prima facie role of the accused in the commission of the crime and mere filing of the chargesheet is not change of circumstances. Even in the *Sanjay Chandra's case* the Hon'ble Supreme Court held that the seriousness of the offence should be considered while deciding bail applications. In the eyes of this Court, the alleged offence is indeed of a serious nature and has huge social implications. Reckoning upon the submissions made by both the sides and papers on record, I pass the following order.

ORDER

The present application is hereby rejected.

Date: 11/ 09/2023

Sankheda

(Sanjeev Kumar)
Principal Civil Judge & J.M.F.C
Sankheda