

Order Below Exh.11 & 13 :-

1] The accused is prosecuted and chargesheeted for the offence punishable under section 135 of the Indian Electricity Act-2003. He is enlarged on bail as per order passed below Exh.5 dated 16.10.2019 on furnishing solvent surety of Rs.15,000/- and executed S.B & PB in the like amount. Thereby he has furnished surety as per order passed below Exh.6 dated 16.10.2019.

2] The present matter was pending for framing charge however he was repeatedly absent as well as the non-bailable- warrant also could not executed. Thereby against him standing Non-Bailable-Warrant was pleased to issued and also show cause notice was pleased to issued to his surety. In execution of standing non-bailable-warrant he is arrested on 09.01.2022 and produced before the court on the same day. Thereby his surety bond and P.R. Bond have been forfeited. He is taken in judicial custody till 13.01.2022. Thereby he has preferred the present application for enlarging him on bail. He also preferred application below Exh.13 for saddling minimum forfeit amount.

3] The accused has submitted that he is from poor family and old aged person. He is having responsibility to look after his family. He also raised general grounds.

4] The prosecution / state has submitted their written say at Exh.14, thereby strongly opposed to the bail plea of accused. They raised objection that, though the alleged crime occurred on 17.05.2014 and chargesheet submitted on 14.03.2018. However since long he was absent. Against him time to time Non-Bailable Warrants were issued. The same could not executed thereby standing non-bailable-warrant and show cause notice to his surety were pleased to issued. In execution of it he is arrested and detained in judicial custody. Thereby he has intentionally disobeyed court order. Therefore not liable to be enlarged on bail. They also raised general objection.

5] Heard Ld. Advocate M. K. Borude for the applicant and Ld. APP M.S. Kale for the respondent / State.

6] The accused has submitted that, as he was suffering from ailment therefore could not attend the dates of present trial. He is bread earner of family. His entire family depended on him. He is old aged person. Considering the same coupled with objection of prosecution / state seriousness gravity of crime and against him the charge of theft of electricity of Rs.1,48,660/- is levelled. Thereby I felt that by directing to deposit forfeiture of bond amount Rs.15,000/- in view of conduct demeanor nature he is not entitled to show any leniency while directing to deposit forfeiture bond amount and furnishing fresh surety it would be appropriate to have the liberty to him. As yet the charge is not framed thereby inevitable time would require to conclude the matter. Moreover by saddling certain conditions it would be appropriate to allow his bail plea. With this proceed to pass the following order.

ORDER

1. The present bail application below Exh.11 of accused is hereby allowed subject to following conditions :-
2. The accused **Rajendra Haribhau Borude**, age : 70 years, R/o : Georai, Tal. Newasa, Dist. Ahmednagar. be released on executing personal bond of Rs.15,000/- with furnishing a solvent surety in the like amount in crime vide CR.No.II-602 / 2014 dated 17.05.2014 registered with Nashik Road Police Station, Tal. Dist.Nasik for the offence punishable under section 135 of the Indian Electricity Act-2003 and upon deposited the forfeited bond amount Rs.15,000/- (Rs. Fifteen Thousand) forthwith.
3. The application below Exh.13 is hereby filed.
4. The accused shall attend the every date of trial without fail.
5. The authenticate copy of this order be retained with the application below Exh.13.
6. Accordingly inform to concern by sending copy of this order.
7. Dictated and Pronounced in open court.

Date : 10.01.2022

(S. M. Tapkire)
Additional Sessions Judge,
Newasa-Ahmednagar