

MHAH180000102023



BAIL ORDER BELOW EXH 24 IN R.C.C. NO. - 2/2023

01] This is an application under section 437 of Code of Criminal Code 1973, for releasing the accused namely Machindra Gorakh Sagalgile on bail.

02] Perused the application and say of the learned APP. Heard learned Advocate for the accused Shri. R. D. Bachkar and learned APP Shri. R. K. Gagare.

03] The learned Advocate for the accused has submitted that, the accused is permanent resident of Rahuri, Tal. Rahuri, Dist. Ahmednagar. The entire responsibility of the family rests on the shoulders of the accused only. The accused is falsely implicated in the present case. If the present application is allowed, the accused will abide all the terms and condition of the bail. Therefore, the learned Advocate of the accused has prayed for granting bail to the accused.

04] The learned APP Shri. R. K. Gagare has submitted that, the offence punishable under Section 379 of the I.P.C. is serious and non-bailable. There is recovery of stolen property from the possession of the accused. So, prima facie case is made out against the accused. Accused is a habitual offender and so many cases

pending against him. In such circumstances, if the bail is granted to him, he may misuse the bail granted to him and he may be involved in another case like this. The accused may hamper or tamper with the prosecution witness. So, he has prayed to reject the application.

05] On careful perusal of documents it appears that, the accused is alleged to have committed offence punishable under section 379 of the Indian Penal Code. It is to be noted that, this offence is cognizable and non-bailable.

06] It is pertinent to note that, the alleged offence is not punishable with death or life imprisonment. This offence is triable by the court of JMFC. Sufficient opportunities have been given to the investigating authorities. Charge-sheet is filed in the present case. Further physical custody of the accused is not required. The investigation is practically completed. The accused is ready to abide by the terms and conditions imposed by the court. So far as the apprehension of learned APP is concerned, certain conditions can be imposed on the accused to secure his presence. Hence, the order.

ORDER

1. The application is allowed.
2. The accused be released on bail on execution of his own bond of Rs. 15,000/- and on furnishing surety of the like amount each.
3. The accused shall not commit similar offence.
4. The 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.

5. The accused shall submit the copy of his Aadhar Card, PAN card, voters card on record.
6. The accused shall furnish details of his three blood relatives who are resident of his vicinity.
7. The prosecution is at liberty to move an application for cancellation of bail on violation of any of the above conditions.

Date : 27.03.2023

(Sou. R. S. Tapadiya)
Judicial Magistrate First Class
(Court No. 2), Rahuri