

ORDER BELOW EXH. 11 IN R.C.C. NO. 100/2021
(CNRNo.MHAH250002772021)

This is an application by accused praying to release him on bail.

2. It is submitted that accused is arrested by police under execution of NBW and taken into MCR till 10/11/2023. It is submitted that accused is a permanent resident of village Viroli, Tal. Parner, Dist. Ahmednagar. He is the only earning member in his family. His family will suffer starvation, if he is not released on bail. He is ready to abide conditions of bail as may be imposed and shall not influence the witnesses or tamper evidence, if released on bail. Hence, this application.

3. Application is opposed by learned APP on submissions that the case is filed in the year 2021 and since 10/10/2023, it is fixed hearing. On last date, informant and witnesses were served with summons and were present in the Court, however, accused was absent on that date. Thereafter on 7/11/2023 also, informant and witnesses are present and accused is absent. Accused is deliberately remaining absent and prolonging the matter with intention to harass the informant and witnesses. Learned APP therefore, prayed for rejection of application and to conduct the case by keeping accused in jail.

4. Heard learned advocate for accused and learned A.P.P.

5. I have gone through record of the proceeding. It appears that accused is arrested by police in execution of NBW on 7/11/2023 and after producing him before Court, he is taken into MCR till 10/11/2023. Record shows that after filing chargesheet, accused was released on bail on 01/09/2023 and charge against him was framed. On 10/10/2023, case was fixed for hearing, however, despite

informant and witnesses were present, accused remained absent. Hence, order of issuance of NBW was passed against him. However, to proceed further, one opportunity needs to be given to accused. Hence, the order:

ORDER

1. Application is allowed.
2. Personal bond of accused stands forfeited subject to the penalty of Rs.1,500/-.
3. Accused is released on bail on his furnishing personal requisite bond of Rs.15,000/- and surety of like amount.
4. Accused shall strictly remain present on the fixed dates.

Sd/-

(N.S. Sabnis)

Judicial Magistrate First Class,
Court No.3, Parner.

Dated : 07/11/2023