

**ORDER BELOW BAIL APPLICATION OF ACCUSED AT EXH.88 IN RCC
NO.281/2022**

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

2. It is submitted by accused that case is pending for hearing. From many dates, despite service of summons to the witness, the witness are not remaining present. Accused is in jail from many dates. Due to the absence of the accused, case is prolonged. Case has started from many days. From last 45 days, witness are not coming in the Court. The adjudication of the case will take uncertain amount of time considering the absence of the witness. Hence, accused has prayed for grant of bail.

3. APP submitted that accused has not given reasonable grounds for bail. Witness is a bank officer at Mumbai. It was not possible for him to remain present due to the annual inspection report. Earlier, his chief examination has been recorded. Accused prolonged the matter at that time and hence, the chief examination could not be completed. From time to time, the deposition of witnesses has been recorded. Hence, prayed to reject the application.

4. Heard both the sides. Perused record. Records shows that after framing of the charge against the accused who is UTP, about 10 witness have been examined till today. As per record, witness No.11 who is the informant was partly chief examined by prosecution and his further evidence came to be adjourned as the accused submitted before the Court that, he is going to file the revision against the order of the Court below Exh.81 dated 06/12/2024. Thereafter, the case was kept on 16/12/2024, on which accused side did not inform the Court as to whether they filed revision or not. Thereafter, case was kept on 21/12/2024 and thereafter on 02/01/2025. Accused side

sought adjournment orally on 02/01/2025. On 09/01/2025, accused side submitted before that they are going file revision today. Accused filed adjournment application at Exh.82 on the same day which was allowed. On 14/01/2025, accused filed pursis at Exh.83 informing that he has filed the revision. On 23/01/2025 accused filed pursis at Exh.84 informing the revision number of the case filed by him on 03/02/2025, accused filed pursis at Exh.85 that revision is kept for arguments on 12/02/2025. On 13/02/2025, this Court passed an below Exh.1 of issuing witness summons to informant as there was no stay on the present proceeding. On the same day, accused filed pursis at Exh.87 that he is withdrawing revision filed by him. Witness summons was issued to the informant however, the witness was not present. Thereafter, on 24/02/2025. accused was not produced before the Court. On 06/03/2025, this Court was on training. Witness summons was again issued on 06/03/2025, but witness was not present. Further, on 19/03/2025, witness summons report was not filed on record. Further on 28/03/2025, this Court was on leave and witness summons report about service was filed but witness was not present. Hence, again, witness summons was issued and on the same day i.e. on 28/03/2025 present application came to be filed. As per record, numerous opportunities were given to accused to seek his right to prefer revision against the order of the Court at Exh.81. Further, witness did not appear on the mentioned dates. However, already 10 witness has been examined. Offences are of serious nature. Accused has failed to comply the conditional bail order of the Hon'ble High Court. Moreover, considering the gravity of the offences and the nature of the offences alleged to have been committed and considering that the grounds mentioned in the application for bail are not proper, the bail application needs to be rejected. Hence, I do not

deem it proper to grant bail to the accused. Hence, the order:

ORDER

Application is rejected.

Dated : 05/04/2025

(N.S. Sabnis)
Judicial Magistrate First Class,
Court No.3, Parner.