

MHAU030016192024



R.C.C. No.260/2024
[The State of Maharashtra Vs. Ashish Nandkishor Shahane & ors]

Common Order below Bail Applications (Exh.9, 10 and 11)

Accused No. 1 to 3 have filed these applications for grant of bail under Section 480 of the Bharatiya Nagarik Suraksha Sanhita, 2023. These applications are strongly opposed by the Ld. APP.

2] Perused the applications and the say. Heard the respective Ld. Advocates for the accused and the Ld. APP. Perused the record.

3] The accused are charge-sheeted for the offences punishable under Sections 420 and 408 read with Section 34 of the Indian Penal Code and Section 66 of the Information Technology Act. As per the charge-sheet, it appears that all the accused were served with the notices under Section 41-A (1) of the Criminal Procedure Code by the Investigating Officer as he felt that it was not necessary to arrest them. Such reasons for not arresting the accused were also communicated by the Investigating Officer to this Court. The accused have appeared before this Court in response to the summons issued against them after filing of

charge-sheet. On going through the charge-sheet, the Ld. APP has submitted that the accused have deliberately concealed the fact that their anticipatory bail applications were rejected by the Hon'ble Sessions Court as well as the Hon'ble High Court. The orders of the Hon'ble Sessions Court and the Hon'ble High Court are on record. Apparently, the anticipatory bail applications were rejected by the Hon'ble Sessions Court and the Hon'ble High Court on the ground that the custody of the accused was essential for the proper investigation of the crime. It is well settled principle of law that consideration for grant of anticipatory bail are altogether different when same are dealt with during the pendency of the investigation. But now, the accused have approached this Court after filing of charge-sheet. It is not the case of the prosecution that after rejection of their anticipatory bail applications, the accused did not co-operate with the investigation and that the charge-sheet is incomplete in any respect. On the contrary, it can be seen from the record that the accused promptly made them available whenever they were called by the Investigating Officer. Even today, they have come before the Court on their own. The accused have given assurance that they would abide by any conditions to be imposed by this Court. They are local residents. I, therefore, find no reason to deny bail to these accused. Hence, the order :

ORDER

- 1] The bail applications (Exh.9, 10 and 11) are allowed.
- 2] The accused are released on bail on each executing

Personal Bonds and Surety Bonds of Rs.25,000/- (Rs. Twenty Five Thousand only).

- 3] They are directed to furnish their current and permanent address with their mobile numbers and verified copies of Aadhaar Cards.
- 4] They are also directed to inform this Court in case of change of their address without fail.

Date : 22/10/2024.

(Smt. A. D. Bose)
Chief Judicial Magistrate,
Aurangabad.