

Order below Exh.20 in Sessions Case No.331/2012  
[ Tav @ Shankar @ Baban Ambrya Bhosale & Rajesh @ Dipak  
Pandu Bhosale Vs. State]

1) Accused Tav @ Shankar @ Baban Ambrya Bhosale & Rajesh @ Dipak Pandu Bhosale have filed this application under section 439 of Cr. P.C. for releasing them on bail. Earlier they came to be released on bail as per order on Exhibit 1 in Bail Application No.1605/12 and they were directed to furnish solvent surety of Rs.50,000/- each on certain conditions. However, the accused could not furnish the surety and therefore, they are in M. C.R.

2) The accused came to be charge-sheeted for the offences punishable under sections 397 and 420 of I. P. C. on the allegations that on 27.04.2012 at about 6 to 6.30 p.m. in the vicinity of village Wakti Panvi in land gut No.72 they assaulted complainant and his brother Raosaheb and cheated them by luring them that the accused would give them gold in less price and then took Rs.40,000/- from them alongwith golden Mangalsutra of Rs.4200/-. It is, thus, alleged that the accused robbed the complainant and his brother and made away with the ornaments and cash of Rs.44,200/-. Report in that respect is given to the police station on the basis of which the offence came to be registered vide crime No.I-22/12 with Virgaon police station. Investigation is completed, charge-sheet is filed. As seen earlier as per order on Exhibit 1 in Bail Application No.1605/2012 the order came to be passed releasing the applicants on bail but since they could not furnish the bail they are in M. C. R.

3) Learned Counsel for the applicants submitted that the

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charge-sheet is already filed. Investigation is completed. Now nothing is to be recovered from them. Even during their custodial interrogation nothing was recovered from them and therefore, looking to the allegations their further detention is not necessary. He also submits that the other accused are already released on bail. So on the ground of parity the accused are entitled to be released on bail.

4) Learned A. P. P. opposed the application on the ground that the other accused who are released on bail are absconding. N.B. Ws. are issued against them. So if the applicants are released on bail then there is every possibility that they would flee away from justice.

5) I have gone through investigation papers. I have gone through the order passed below Exhibit 1 in Bail Petition No.1605/12. Default bail under section 157 Cr. P. C. was granted to the accused and they were released on default bail under section 157(2) Cr. P. C. on their executing P. R. Bond of Rs.50,000/- each and on furnishing surety in the like amount with some conditions and particularly with the condition that they shall not tamper with the evidence. Now it appears that the accused are ready to furnish the bail. Other accused are already released on bail. So on the ground of parity that they were earlier released on bail I find that the applicants are entitled to be released on bail. At the most conditions can be imposed on them while releasing them on bail in order to procure their presence before the court. Thus, order.

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**ORDER**

- A) Application is allowed.
- B) Applicants be released on bail on their executing P. R. Bond of Rs.50,000/- each and on furnishing solvent surety in the like amount on the conditions that they shall not tamper with the evidence or pressurise witnesses, they shall not leave India without permission of the court and they shall give their correct address and address of surety which shall be verified by the concerned Police Station and report to that effect be given to the Court.

Dated 22.01.2014

Sd/-  
(M. V. Deshpande)  
Additional Sessions Judge,  
Vaijapur.

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**CERTIFICATE**

I affirm that the contents of this P.D.F. file order are same,  
word to word, as per the original order.

Name of Stenographer :- B. A. Kadam

Court :- District Judge-1 and  
Additional Sessions Judge,  
Vaijapur

Date :- 22.01.2014

Order signed by the  
Presiding Officer on :- 23.01.2014

Order uploaded on :- 27.01.2014