

MHBU010011632023



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, BULDANA

SPECIAL CASE NO.59 OF 2023

- 1] Tulshiram Nivrutti Suradkar,
Age-76 years, Occ.Agri,
 - 2] Kailas Vishnu Suradkar,
Age-35 years, Occ.Agri.
 - 3] Pandharinath Sahebrao Suradkar,
Age-41 years, Occ.Agri,
All R/o Berala, Tq.Chikhli,Dist.Buldana,
 - 4] Shrikrushna Dalsingh Parihar,
Age-37 years, Occ.Agri,
R/o Ancharwadi,Chikhli,
Dist.Buldana,
 - 5] Samadhan Santoshrao Gadekar,
Age-47 years, Occ.Agri,
R/o Muradpur, Post.Bharosa,
Tq.Chikhli, Dist.Buldana
- ... Applicants

..Versus..

State of Maharashtra
Through D.G.PBuldana,
Through PSO Chikhli

... Non-applicants

ORDER BELOW EXH.38

(Passed on this 30th day of August 2024)

- 1] Instant bail application has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail inter-alia contending that Police Station Officer, Chikhli has filed Special Case bearing No.59/2023 against accused persons.

2] Applicants submitted that they were released on regular bail. But,during pendency of case, they did not remain present before the Court. Therefore, non-bailable warrants were issued against them. They had applied for cancellation of non-bailable warrants by moving application [Exh.35]. That application came to be rejected by this Court and they were taken into judicial custody. Their bail bonds were also forfeited. Consequently, these five applicants have moved application [Exh.39] for decreasing penalty amount under Section 446(3) of Cr.P.C. Accordingly, as per order passed below Exh.39, these five applicants have deposited total penalty amount of Rs.60,000/- in the Court. In such circumstances, these five applicants through their Advocate has requested this Court to grant regular bail inasmuch as they are in jail since 26.8.2024. Today the date is running 30.8.2024. They further submitted that they will attend the Court regularly and will not create hurdle in the progress of trial. They also submitted that they will not misuse the bail. They are ready to furnish surety. Lastly, it is prayed for allowing application [Exh.38].

3] Learned APP Smt.Saoji-Deshpande has strongly opposed bail application on the ground that in case bail application is allowed, then there is no guarantee that these applicants will attend the Court regularly and consequently, matter will be prolonged. Lastly, it is requested for rejecting application [Exh.38].

4] I have heard learned Counsel of applicants Shri Dinode

and learned APP Smt.Saoji-Deshpande. I have perused case papers.

5] On perusal of case papers, it will find that five applicants namely Tulshiram Nivrutti Suradkar, Kailas Vishnu Suradkar, Pandharinath Sahebrao Suradkar, Shrikrushna Dalsingh Parihar and Samadhan Santoshrao Gadekar had not attended the case for the period of 8 months. They had attended the case lastly on 1.12.2023. In such circumstances, case papers show that these applicants have deposited total penalty amount of Rs.60,000/- inasmuch as their bail bonds were forfeited. In addition to this, they are in jail since 26.8.2024. As such, they are sufficiently punished for their act of remaining absent in the Court in the case. In such circumstances, when these applicants are ready to provide fresh sureties, then no purpose will be served by detaining them in the jail for further period. As such, according to me, at present stage, they are entitled to regular bail. In the result, following order is passed.

ORDER

- 1] Bail application (Exh.38) is allowed.
- 2] Applicants No.1) Tulshiram Nivrutti Suradkar, 2)Kailas Vishnu Suradkar, 3) Pandharinath Sahebrao Suradkar, 4) Shrikrushna Dalsingh Parihar and 5) Samadhan Santoshrao Gadekar be released on execution of P.R. Bond of Rs.25,000/- each with one surety each in like amount, in Crime No.215/2022 registered with Police Station, Chikhli relating to the offences punishable under Sections 420, 467, 468, 471,120B, 506 of IPC r/w Sections 3(1)(f), 3(1)(q), 3(1)(r) 3(2)(va) of S.C.S.T.

(Prevention of Atrocities) Act,1989 on following conditions;

- A] Applicants shall not misuse the bail.
- B] They shall not create any hurdle in the progress of trial.

Buldana
Date:30.8.2024

(R.N.Mehare)
Addl.Sessions Judge,
Buldana