



ORDER BELOW EXH.5 IN SESSIONS TRIAL NO. 21/2021

State of Maharashtra Vs. Jugalkishor Khemchand Rathi

CNR MHBU04000227-2021

This is an application for regular bail as per Section 439 of the Code of Criminal Procedure, 1973. Heard advocate Mr.Wadhwani for accused. He submitted that before the JMFC, Sangrampur in SCC No.195/2010, this accused furnished surety. But, thereafter he went outside to earn his livelihood. In the meantime, his advocate on record Mr. Deshmukh expired. Therefore, he could not get any intimation about the progress of that case. NBW was issued against him with notice to his surety. The surety deposited the bond amount and he was discharged. The standing warrant, proclamation etc. was issued against accused and the case was kept on dormant file. When accused learnt about it, he on his own surrendered before the JMFC on 6.2.2021 and prayed for his release on bail. But that application came to be rejected by the JMFC by holding that accused is likely to abscond. Thereafter, this case is committed as per Section 209 of the Code of Criminal Procedure since offence involved in it under Section 353 of the Indian Penal Code is triable by this Court.

2] He further submitted that accused is local resident of the village Warwat Bakal having landed property there in his name. He would remain present in future on each and every

date. Therefore, he prayed for his release on bail.

3] Accused is local resident. There appears substance that he was out of station to earn his livelihood. He undertakes to furnish solvent surety and to remain present on each and every date fixed by this Court. Alleged offences are not punishable with death or imprisonment for life. Therefore, accused deserves to be released on bail subject to certain conditions. Hence, the following order.

ORDER

1.	Application is allowed.
2.	Accused Jugalkishor Khemchand Rathi be released on bail upon his executing P.R.Bond of Rs.25,000/- (Rs. Twenty Five thousands) with one solvent surety in the like amount on following conditions; i) that he shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any Police Officer, ii) that he shall not tamper with the evidence of prosecution in any manner, iii) that he shall furnish his current address proof and latest photograph so also his mobile phone number to this Court, iv) that he shall not enter the residential area of the informant and he shall not make contact in any manner with the informant and witnesses, v) that he shall attend each and every date fixed in this case, unless his personal attendance is dispensed with on sufficient grounds.

3.	Failure to obey any of the conditions above, would be liable for cancellation of bail granted to accused.
4.	Inform Sonala police station accordingly.
	(Order is dictated and pronounced in open Court.)

Khamgaon
Date:4.3.2021

(R.D.Deshpande)
Addl.Sessions Judge,
Khamgaon

Dictated on	4.3.2021
Transcribed and typed on	4.3.2021
Checked and signed on	4.3.2021
Uploaded on	4.3.2021
Transcribed, typed and uploaded by	Dhananjay V. Matre Stenographer (Grade 1)