

MHBU040003782014

**Order below Exh.40**

(Passed on 20/5/2022)

The applicant/accused Arvind has filed application for releasing him on bail.

2. Heard advocate for applicant/accused. He submitted that this applicant/accused is in jail since 15.3.2022 as prosecution through witness Pramilabai has applied for cancellation of bail. The said application came to be finally decided on 20.4.2022 and the order was passed to keep the accused in judicial custody till recording of evidence of star and material witnesses.

3. It is submitted that the evidence of Pramilabai and her husband is recorded by prosecution and therefore the present bail application is filed by claiming for releasing the accused on bail. It is submitted that he is the only earning member of his family and he is ready to abide by all the conditions of bail.

4. Prosecution has filed its say Exh.41 thereby strongly objected the submission made by the side of accused. It is submitted that the victim had old aged parents of deceased. Other witnesses are resident of village Lakhanwada. Initially after releasing the accused on bail he has attempted to kill these parents of deceased for which ST No.71/2014 is pending for trial. This matter was prolonged by the side of accused on various dates during the witnesses were threatened. Yet the material witnesses are to be examined, those are resident of same village. No new ground is mentioned

in the main application. A reliance is placed in the citation reported in *Daulatram V/s. State of Haryana, 1995 SCC(1)349* in which it is held that “ rejection of bail in non bailable offences at the initial stage and the cancellation of bail are to be considered on different basis”. Perused the ratio.

5. As per Exh.54 the Pursis came to be filed by the side of accused for stating that on 20.4.2022 P.W.No.2 and 3 were present but not examined.

6. After hearing the arguments and considering all the submissions and on perusal of record, it is seen that the parents of deceased/victim have adduced their evidence and the prosecution has given further evidence programme for recording evidence. It will take its own time to conclude the trial. The apprehension in the mind of material and star witnesses and the prosecution though genuine, the accused cannot be kept behind bars for such unlimited time. Therefore, in the interest of justice by inserting certain strict conditions he can be released on bail as per following order :-

ORDER

1.	Application Exh.40 is allowed.
2.	In Crime No.13/2013 registered with Hiwarkhed police station, for the offences punishable under Sections 302 of IPC, applicant Arvind Pralhad Pachpor be released on fresh bail upon his executing P.R.Bond of Rs.15,000/- (Rs. Fifteen thousands only) with surety in the like amount on following conditions; i) that he shall attend the concerned Court on every fixed date.

	<p>ii) 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,</p> <p>iii) that he shall not tamper with the evidence of prosecution in any manner,</p> <p>iv) that he shall not commit similar kind of offence in future.</p> <p>v) that he shall not pressurize prosecution witnesses and shift himself to other village away from those witnesses and give the details of his new residence.</p>
3.	Failure to obey any of the conditions above, would be liable for cancellation of bail granted to applicant.

(P.S.Kale)

Dt.20/5/2022

Addl.Sessions Judge, Khamgaon.

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.

Name of Court : Addl. Sessions Judge, Khamgaon.