

MHBU070017772023



**RCC No.194/2023**  
State -vs- Rahul Chaudhari

**ORDER BELOW BAIL APPLICATION EXH.149**  
[Passed on 14.08.2024]

1. This is an application filed by the accused through Jailer District Prison, Buldana U/sec. 437(6) of Cr.P.C. to release him on bail. This application has been received from District Legal Service authority, Buldana. Perused application and say filed by the Ld. Spl. APP. Heard, Ld. Spl. APP.

2. It is the contention of the accused that he was arrested U/sec. 406, 409, 120-b and 506, 507 of IPC. In the instant case the inquiry has been initiated and it is still pending. Hence, accused prayed for releasing him on bail.

3. Ld. Spl. APP strongly opposed the application and submitted that the contention in the application are misleading because the trial in this case is going on and this matter is not fixed for the inquiry. It is most specifically submitted by Ld. Spl APP that the bail application of the accused is pending before Hon'ble High Court and the application in Hon'ble High is fixed for the order. The reason mentioned in this application is not enough to consider this application. Hence, Ld. APP prayed for rejection of the application.

4. It appears from record that the charge-sheet in this case filed on 16.09.2023 and prosecution has been examining its witness. Accused concealed the fact that his

bail application before Hon'ble court is pending. Commencing the trial does not make the accused entitled to be released on bail as seriousness of the offence are to be taken in to consideration while deciding the bail application at the stage of the trial. The offence against the accused is serious and non bailable offence. There is no change in the circumstances which entitled the accused to be released on bail. The contention in the application of the accused is also misleading which is duly reflected from the submission of Ld. Spl. APP. Therefore, I am not inclined to allow this application and proceed to pass following order.

**Order.**

Application is rejected.

**[ N. D. Meshram ]**

Judicial Magistrate First Class,  
1<sup>st</sup> Court, Shegaon, Dist. Buldana.

Date : 14.08.2024.

I, *K. S. Deshmukh*, Stenographer of C.J.J.D. & J.M.F.C. Court No.1, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the Original Order.