

Shri Aawaji siddha Maharaj Nagari
Sahakari Pat Sanstha.

V/s
Sanjay Laxman Yeul.

Order below Ex.124.

1. Perused application, say filed by advocate of complainant and record. Heard advocate of accused and complainant.

2. Present application is filed by the accused for releasing him on bail. It is contention of accused that he was went out of station for searching job as he is a educated unemployed person. Accused is responsible person. Accused will remain present on each and every date. Advocate of complainant filed say and strongly opposed to the application contending that NBW came to be issued against accused but presence of accused is not secured. Bail bond of the accused stands forfeited. Steps under section 82 of Criminal Procedure Code was required to be taken for securing presence of accused. Lastly case was fixed for taking steps of attachment of property of accused. Accused did not appeared voluntarily. Accused appeared when extreme coercive steps of attachment of his property is about to be taken. The alleged cheque in present case is an amount of Rs.26,50,000/-. If accused released on bail then certainly he will be absconded again. Advocate of complainant

prayed for rejection of application and also in alternatively submitted that if accused released on bail then very stringent conditions needs to be imposed to ensure presence of accused till conclusion of trial.

3. It appears from record that as per order below application Ex.93 dated 19.6.2013 NBW came to be issued against accused. But his presence is not secured. It also appears from record that on the application Ex.97 filed by complainant notice was issued to the surety of accused and thereafter, time was granted for keeping presence to the accused to surety by way of order below Ex.99, 101 and 102 . It also appears from record that vide below application Ex.106 proclamation as per section 82 of Cr. P. C. came to be issued. It also appears from record that proclamation came to be published vide Ex.109. It also appears from record that vide order below Ex.110 proclamation as per section 82 of Cr.P.C. came to be published in daily news paper dated 11.12.2013 of Deshonnati and Lokmat. In spite of issuance of proclamation presence of accused is not secured and accused is not appeared before court. Lastly accused appeared alongwith his advocate on 27.10.2015 and filed application Ex.123 for cancellation of NBW issued against him. Said application came to be rejected and accused taken in magistrate custody.

4. Present complaint is filed by the complaint against accused for the offence punishable under section 138 of Negotiable Instrument Act. It also appears from record that complainant led evidence of its authorised representative. Accused has jump the earlier bail bond. Accused is in jail since 27-10-2015. So considering facts and circumstances on record and the conduct of accused it appears to me that for granting fair opportunity it is just and proper to released accused on bail with sum stringent conditions, so that presence of accused will be secure during trial. Hence, I pass following order.

: ORDER:

Accused ordered to be released on bail in the sum of Rs.2,00,000/- with one solvent surety of like that amount on following conditions;

1. Accused shall deposit penalty of Rs.15,000/- towards jumping of earlier bail bond.
2. Accused shall also deposit additional cash surety of Rs.25,000/-.
3. Accused shall remain present before court positively on each and every date or to take precaution that matter shall not held up due to his absence.

4. Accused shall file on record his correct address alongwith his mobile number.
5. Accused shall also submit on record description of his properties alongwith documents.

Sd/-

Jalgaon Jamod.
Date: 02/11/2015

(A. J. Fatale)
Judicial Magistrate F.C.
Jalgaon Jamod.