

SESSION TRIAL NO. 36/2020

(CNR NO. MHBU200003912020)

Nilesh Sanjay @ Manohar Pawar + 2 Vs. State.

ORDER BELOW EXH. 4(Passed on this 12th day of November, 2020)

1. This is an application under section 439 of the Code Criminal Procedure for grant of bail filed by accused Nilesh Sanjay @ Manohar Pawar for releasing on bail for offence punishable under section 395 and 341 of Indian Penal Code and section 4/25 of the Indian Arms Act, registered at Police Station, Sindkhed-Raja, in Crime No.153/2020.

2. According to accused, he is arrested on 04-08-2020 and since then he is in jail.

3. Prosecution case, in short, is as under :

That on 03-08-2020, the informant along with his sister was returning back to home from their relatives. While returning back by their scooty vehicle bearing registration No. MH 28 BC 9134 at T point of Sindkhed-Raja, one motor-cycle silver colour with red strip bearing registration No. MH 21 AJ 2266 came there and brought their vehicle in front of scooty of informant. At that time, one person stopped them and gave fist blow on the mouth of informant, thereby, he sustained injury to his teeth. Said person pointed knife to sister of informant and asked her to give gold chain to him, but she refused to do so. At that time, two another person, who were hidden in bushes came there holding sword his hand, one of them had shown sword to sister of informant

and took away gold chain from her and also took away their scooty vehicle. During the investigation, accused along with Vishal Gabaru Pawar are arrested. Investigating Officer seized sword, scooty vehicle and gold chain from the accused. Learned A.P.P. further submitted that other accused are absconding. Informant and his sister identified accused during test identification parade. Learned A.P.P. further submitted that offence is serious in nature. There is a possibility of tampering of prosecution evidence. Lastly, he prayed to reject the bail application.

4. Heard both sides and perused charge-sheet. It reveals that after registration of offence, investigating officer arrested the accused while on patrolling and also seized gold chain, scooty vehicle and sword from the accused. Report of test identification parade shows that informant and his sister identified accused Nilesh Pawar and Vishal Gabaru Pawar. Statements of witnesses are recorded. Investigation is complete and charge-sheet is filed. Now, nothing is to be recovered from the accused. No purpose will be served by keeping the accused behind the bar. Apprehension of learned A.P.P. can be taken care by imposing strict conditions while releasing the accused on bail. Hence, I pass the following order.

ORDER

- (1) Application (Exh. 4) is hereby allowed.
- (2) Accused Nilesh Sanjay @ Manohar Pawar be released on

bail on furnishing PB and SB of Rs. 25,000/- (Rs. Twenty-five Thousand only) with one solvent surety of the like amount for offence punishable under section 395, 341 of the Indian Penal Code and section 4/25 of the Indian Arms Act, registered against him in Police Station, Sindkhed-Raja, in Crime No. 153/2020, on the following conditions;

(a) Accused shall attend the concerned police station on first and third Sunday of each month, till conclusion of trial.

(b) Accused shall not tamper with the prosecution evidence.

(c) Accused shall not leave the area in which he is residing without giving prior intimation to the concerned police station along with his new address.

Sd/-

(S.V.Khongal),

Additional Sessions Judge,
Mehkar,
District Buldana.

Dt. 12-11-2020

Certificate

I affirm that the contents of this order are same word for word.

Name of court : Additional Sessions Judge, Mehkar.

Name of steno : T.K. Dekhane, Stenographer (Gr.-1).

