

ORDER BELOW EXH. 5

Accused has filed this application for release him on bail. It is contention of accused that, he having no concern with alleged offence and falsely implicated in it. He is permanently resided at Amalkatti and having landed property therein. No previous antecedents against him. He is ready to abide every condition imposed by the court. Hence, prayed to release him on bail as he is the only bread earner of his family.

2. Ld. A. P. P & I. O. filed their say and submitted in same voice that, accused is absconded since registration of crime. Due to his absence, charge-sheet filed U/sec. 299 of Cr. P. Code. After issuing proclamation by this court, accused has been voluntarily appeared before the court. He is resided outside the jurisdiction of this court. Further, accused misappropriate 420 sugar bags and cheated on informant. Due to absconding of accused, police authority would not investigate matter in proper way. Accused not co-operate for investigation. Thus, prayed to reject the application.

3. Heard A. P. P. and advocate for accused. Perused application and say. As per record, accused after issuing of proclamation voluntarily appeared before the court. Accused contended that, he having no knowledge of proceeding. However, record shows that, sufficient time warrant has been issued against accused and it would return with remark that, accused is driver and traveling out of station. It shows that, accused intentionally avoid appeared before the court.

4. Now after appearance of accused he has been remanded in M. C. R. Police authority took his possession and investigate the matter till today.

They submitted that, nothing useful information received from accused. Further, due to absence of accused the then I. O. has complete the investigation and filed charge-sheet against him. It is not case of I. O. that, accused is required for further investigation. Chargesheet is already filed and accused is ready to abide every condition imposed by the court. Further, accused has filed birth certificate his daughter on record. Considering nature of proceeding and willingness of accused to abide every condition imposed by court along with his responsibility, he deserved one more opportunity. Therefore, keeping in mind principle as bail is rule and jail is an exception, I pass following order,

ORDER

- 1) Applications is allowed as under.
- 2) Accused is released on execution of his P. B. and S. B. of Rs.25,000/-.
- 3) Accused is directed not to tamper prosecution evidence and witnesses by any means and co-operate investigation machinery.
- 4) Further accused is directed to attend every date of proceeding without fail.
- 5) Any condition breached by accused, result his bail will be canceled.

(R. P. Thore.)

J. O. Code - MH02897

Judicial Magistrate First Class,
Ajara.

Date :- 14.10.2025.