

MHLA070002142017



Order below Exh.98 in Sessions Case No.30/2017
(State Vs. Ishwar)

1) This application is filed by the applicant/accused No.9 Ravi Ramesh Hadse for regular bail for the offences under Section 302, 201, 120-B, 341, 363, 365, 34 of the Indian Penal Code.

Brief facts of the prosecution case are as under :

2) It is the case of prosecution that on 18.12.2015 the accused have formed unlawful assembly and in prosecution of common object of the unlawful assembly abducted the informant and his son Rohit when they were proceeding on their motorcycle at village Jalkot. They have beaten the informant's son due to which he succumbed to death. The accused have thrown dead body of the informant's son in the state of Karnataka. The role of accused No.9 is that he has abetted, assisted the other co-accused in abduction of the deceased. The accused has played active role in committing offence of kidnapping and abduction. The trial was held up due to absence of accused. The case is pending more than five years. The accused has jumped on bail granted by the Hon'ble High Court. Therefore, this Court has got no jurisdiction to release the accused on bail. Police has filed the charge-sheet against the accused.

3) By this application the accused prayed for releasing him on bail. It is stated that the antecedents of the accused are clear. He is ready to abide any of the conditions as may be

imposed. The other co-accused in this case have been released on bail by the Hon'ble High Court. The present accused also was released on bail by the Hon'ble High Court. However, due to misconception of dates, the accused could not remain present before the Court. Therefore, non-bailable warrant was issued against the accused for securing his presence. The accused ready to remain present before the Court on each and every date. The accused is sole bread earner of his family. His family is suffering from starvation. The non-bailable warrant is duly served and the presence of accused is secured. Police has already filed charge-sheet and same is pending before the Court. Custodial interrogation of the accused at the hands of police is not required. The trial is pending more than five years due to absence of other co-accused. Trial will take its time as it is not commenced. So pre-trial detention of the accused is not required at all. Therefore, the accused prayed that he may be released on bail.

4) The learned APP resisted the application on the ground that the offence is of serious nature. The accused has jumped on bail which was granted by the Hon'ble High Court. The police completed investigation and filed charge-sheet against the accused. This accused has played active role in commission of the offence. The case is pending more than five years due to absence of accused. If the accused is released on bail possibility of fleeing away can not be ruled out. The offence involved capital punishment. Therefore, the bail application of the accused may kindly be rejected.

5) Perused application and say. Heard arguments of both sides. The case is pending more than five years. The trial is held-up due to absency of present accused and other co-accused. It is admitted position on record that the accused was initially released on bail by the Hon'ble High Court. Accordingly, the accused has furnished surety before the Court. However, the accused failed to

remain present before the Court. Therefore, non-bailable warrant was issued against accused for securing his presence. Now the presence of accused is secured. Police has executed NBW and now the accused is behind bars. The question before this Court is that whether in case where the bail was granted by the Hon'ble High Court and accused remained absent and subsequently in execution of NBW he was remanded to MCR. Whether this court has got jurisdiction to release the accused on bail. Admittedly, the trial is pending more than five years. Not only this accused but other co-accused also are absent and against them also NBW is issued for securing their presence.

6) It is part of record that after completion of the charge-sheet police has filed charge-sheet against the accused. It transpires from the charge-sheet that the accused has played active role in commission of the offence. There are sufficient grounds to proceed against the accused. The trial of the case is held up due to absence of the accused. The accused has jumped on bail which was granted to him by the Hon'ble High Court. Therefore, now once again he can not claim bail as of right before this Court. So also it appears from the charge-sheet that the alleged offence against the accused is punishable with imprisonment for life. The Hon'ble High Court granted bail on the ground that custodial interrogation of the accused is not warranted. But the accused has jumped on the bail granted by the Hon'ble High Court. Hence, in my view considering above aspect the accused is not entitled to be released on bail. So also, the application for bail filed by the accused is not filed in the prescribed format submitting entire information as directed by the Hon'ble Supreme Court. Therefore, considering above aspects I do not find substance in the bail application. Hence, the order.

Order

- 1) The application (Exh.98) is rejected.

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2) As accused is in jail copy of this order be sent to District Jail, Latur by e-mail.

Date : 21.07.2026

(L.G.Pachche)
Additional Sessions Judge, Udgir
