

ORDER BELOW BAIL APPLICATION, Exh.4

1. Perused record. Heard both the sides.
2. The present application is filed for bail under Section 437 of Code of Criminal Procedure, by accused Mr. Raju Narsappa Kondal, mainly on following grounds that, applicant is innocent and falsely implicated in the matter though he is not in anyway connected with the allegations. No offences, as alleged made out. There found no role of the applicant even after completion of the investigation and there is no evidence against him. Investigation is over and charge sheet is already filed. Accused is of tender age and only earning member. He is ready to remain abide by the conditions, if any, imposed, etc.
3. Ld. A.P.P. objected to it stating that offence is serious, active role of accused noticed in the allegations. Investigation though completed there is possibility of tampering and absconding. The main accused is not yet arrested, etc. therefore, application shall be rejected.
4. It is alleged that informant was lured by some unknown persons under the pretext of providing job and has been defrauded to the extent of Rs.11,30,000/-. The investigation is over and charge sheet already filed. The charge sheet reflects that applicant/accused is not directly connected with the allegations. He was arrested and is in jail because certain amount has been transferred to the bank account of the company owned by him.
5. If we go through the record of investigation the charge sheet only constitutes of three documents, i.e. First Information Report, Arrest Panchanama and certain prints of chats on social media and bank documents. In those documents there found nothing to connect the accused with the allegations. After deep scrutiny it is noticed that certain amount seems to be transferred into the account of company allegedly owned by the accused, as such his connection with the allegations are

very remote. There found nothing in the charge sheet to connect the accused with the allegations as to justify his further detention.

6. Accused is in custody since long. He is ready to remain abide by the conditions. All the witnesses are interested persons. Major evidence is in the form of documentary and electronic record. It is already collected and as such possibility of tampering is almost nil.

7. The possibility of commencement of trial and it's conclusion appears difficult. Accused is of tender age and as informed there are dependents on him. He is ready to remain abide by the conditions. In such a situation pre-trial detention is not justified.

8. Considering all these aspects and facts and circumstances and reasons assigned in the bail application the bail needs to be granted by allowing the present application. Accordingly, following order -

ORDER

- a. Application is allowed.
- b. Accused is released on bail on his furnishing P.B. and S.B. of Rs.15,000/-. Permission granted to deposit cash security instead of surety bond.
- c. Accused shall furnish his detail address and proof thereof.

MUMBAI

(KOMALSING RAJPUT)

DATE – 17.10.2024

J.M.F.C., 12TH COURT, BANDRA, MUMBAI