

MHND010027112019



COMMON ORDER BELOW EXH. 30 & 46

State Vs. Ganesh Harkare & Ors.

These applications are filed on behalf of accused Nos. 2, 6 and 8 for releasing them on fresh bail.

2- It is contended, that accused Nos. 2, 6, 8 were released on bail, but due to their absence, NBW issued against them. Accused Nos. 2, 6, 8 were out of station could not attend the Court. The NBW issued against them is executed and they are produced before the Court. The Court has taken them in MCR. It is contended, accused are innocent and permanent resident of Nanded, possessing movable and immovable property at Nanded. They are ready to undertake that they will remain present in the Court regularly. They are labourer and their family depend upon them.

3- The prosecution has filed say stating that, the accused persons have committed breach of condition of the bail. They misused their liberty. There is every possibility they will flee from trial. Hence, application be rejected.

4- I have heard both sides. Gone through record.

5- The accused persons have charge-sheeted for the offences punishable under section 307, 324, 323, 504, 143, 147, 148 and 149 of the Indian Penal Code. Admittedly, accused Baburao and accused Shantiram released on regular Bail and accused Dashrath released on anticipatory bail. A perusal of record shows that, I. O. has submitted charge-sheet on 5.11.2020 and the learned 5th Additional Chief Judicial Magistrate, Nanded committed the case on 12.03.2021. It appears from Roznama all accused persons appeared and furnished application for continuation of bail. Record also shows, since 12.12.2023 accused remained absent and matter was kept for framing charge, hence NBW issued against them.

6- It seems from the contents of application that, accused persons are Karta of their family and considering case of prosecution, their anticipatory/regular bail applications were allowed. The age of accused No. 2 is 24 years, accused No. 6 is 20 years and accused no. 8 is 21 years means they are young and earning members of their family. It would take sufficient time to decide case on merit therefore, during this period keeping behind bar to the accused does not serve any purpose. The accused persons have undertaken that they will remain present in the Court regularly.

7- In view of aforesaid facts and circumstances, considering submission of both sides, I would like to allow this application by imposing condition. Accordingly, I pass following

order -

ORDER

1. Application is allowed.
2. Accused Nos. 2 Baburao @ Raju Ganesh Harkare, accused No. 6 Shantiram Raghunath Panchal and accused No. 8 Deepak Raghunath Kadam are released on fresh bail on executing PR bond of Rs.25,000/- each with one surety of like amount. Previous bail bond of the accused Nos. 2, 6 and 8 is hereby forfeited.
 - a) The accused shall attend the Court regularly.
 - b) The accused shall produce proof of their permanent address, copy of Aadhar card/voters ID card/PAN card.
 - c) The accused shall submit their contact details in the Court.
 - d) The accused shall submit list of at least two blood relatives with their detail residential addresses and submit their contact details in the Court.
 - e) If any of the above conditions are breached, the application shall be deemed to have been rejected.

Sd/-

(U. V. Indapure)

Addl. Sessions Judge,
Nanded.

Date : 22/01/2024.

CERTIFICATE

I affirm that the contents of this PD.F. file order are same word to word, as per the original order.

1. Name of the Stenographer:- Smt. S.S.Korewar,
Steno Grade-III
2. Court Name :- Court of Addl. Sessions Judge-1,
Nanded.
3. Date of :- 22/01/2024
Order signed by the
Presiding Officer on :- 22/01/2024
4. Order uploaded on :- 23/01/2024