

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, KANDHAR
Sessions Case No.54/2021
State of Maharashtra Vs. Motha Mohan and others
CNR NO. MHND210007212021
Order Below Exh.36
(Passed on 07-09-2022)

1. Applicant/accused Mota Mohan Bapurao @ Rajendra Bhosle has filed application for regular bail u/sec. 439 of Cr.P.C., of the offence punishable u/sec. u/sec. 397, 394, 459, 342 of IPC in crime No.228/2020, police station, Malakoli
2. Perused application, say and case papers.
3. Ld. Adv. for applicant/accused submitted that, already two co-accused Ananda Bhosale and Mohan @ Chota Bapurao @ Rajendra Bhosale have been released by the Hon'ble High Court on 15-07-2022. The role of present accused No.2 Mohan (Motha) s/o Bapurao @ Rajendra Bhosale is the similar as of other two co-accused, who are already released by the Hon'ble High Court. Therefore, on the ground of parity he is entitled for regular bail.
4. Ld. Advocate for applicant/accused further submitted that since 13 months, present accused behind bar. Though, charge-sheet submit before one year, but till date, its trial could not commence. It is not just and proper to keep present accused behind bar for uncertain period. He is the resident of Nanded district and there is no possibility for absconding. So also, the

resident of informant and witnesses are different from the respondent of present accused, therefore, there is no possibility for tampering. Hence, lastly prayed to grant bail.

5. Ld. A.P.P Smt. S. A. Patil strongly objected and submitted that, serious offence have been committed by accused persons and the role of present accused is greater and different from other two co-accused, who were released by the Hon'ble High Court. Therefore, ground of parity is not applicable here. Though, charge-sheet submit, but he did not show his change in circumstances. Prosecution undertakes to expedite the matter. Hence, it is not proper stage to release this accused on regular bail.

6. Along with the said record, bail order dated 15-07-2022 of Hon'ble High Court have been annexed. By the said order, co-accused Ananda Bhosale and Mohan @ Chota have been released on regular bail. FIR and other relevant documents coupled with the statements of witnesses clearly shows that the role of present accused is similar with the role of other two co-accused. Hence, considering the factual situation, I find the present accused also entitled for bail on the ground of parity. More so, since one year, trial could not commence is a ultimate change in circumstances of the accused. Particularly when, he is behind bar since 13 months. Hence, it is not just and proper to keep him there for uncertain period. More so, apprehension of

prosecution can be taken care by imposing harden condition on him. Hence, I have proceeded to pass following order;-

ORDER

1. Bail Application (Exh.36) hereby allowed.
2. The applicant/accused Mota Mohan Bapurao @ Rajendra Bhosle be released on regular bail of the offence punishable u/sec. 397, 394, 459, 342 of IPC in crime No.228/2020, police station, Malakoli on his executing bond of Rs.15,000/- with one surety in the like amount with the conditions that :-
 - a] He shall not meet or pressurize with the informant and prosecution witnesses.
 - b] He shall not leave Nanded District without prior permission of the Court.
 - c] He shall attend the Court dates regularly.
4. The breach of above conditions shall lead to the cancellation of bail.
5. Bail before concerned Court.
6. Hamdast allowed.

Kandhar,
Date : 07-09-2022

(Madhuri Anand)
Additional Sessions Judge-1,
Kandhar

Dictation started on : 12.10 p.m.
Dictation concluded on : 12.35 p.m.

Note :- Argument of Ld. Adv. for applicant and Ld.A.P.P
heard on 23-08-2022 and kept for citation, but till date
no citation filed. Hence, order passed on the same day.

CERTIFICATE

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

Name of stenographer	Balkrishna Kulkarni
Name of Court	District Judge-1, Kandhar
Date of Dictation	07-09-2022
Order signed by the P.O on	07-09-2022
Order uploaded on	07-09-2022