

Sessions Trial No. 357/2017
State of Maharashtra Vs. Akash

Order Below Exh.39
(Dt.26.09.2022)

This is an application for releasing the accused on bail vide section 439 of the Code of Criminal Procedure.

2. Perused the application and record. Heard, learned advocate for the accused and learned A.P.P. Shri Shendre for the State.

3. On perusal of record, it reveals that accused was released on bail. However, he opted to remain absent and his learned advocate did not file any application for grant of exemption. Therefore, NBW was issued against accused. The accused was continuously absent. He did not assign any sufficient reason for his previous non appearance in the Court. Therefore, this Court rejected the application filed by accused for cancellation of NBW and accordingly, the accused was remanded in judicial custody. However, the learned advocate for the accused submitted that family members of accused are dependent upon him. He is repenting for the guilt. It is submitted that the accused will positively and promptly remain present and co-operate the Court for deciding the matter expeditiously. Therefore, the learned advocate for the accused prayed to release the accused on fresh bail. Considering the oral submission of learned advocate for the accused and as the accused is ready to furnish bail and to co-

operate the Court for deciding the matter, I think it proper to give him one last opportunity. But, at the same time, since the accused has violated condition of bail, in order to curtail such type of tendency on the part of accused, it is necessary to forfeit his surety bond. Therefore, P.R. bond of Rs.25,000/- furnished by the accused stands forfeited vide Section 446 of Cr.P.C. But, considering the oral submission of learned advocate for the accused an amount of Rs.20,000/- is remitted. Hence, the order.

ORDER

- (i) Application (Exh.39) is allowed.
- (ii) The accused is ordered to be released on furnishing P.R. bond of Rs.25,000/- with solvent surety of like amount on the following conditions :-
 - (a) The accused shall remain present in the Court henceforth without fail.
 - (b) The accused shall co-operate the Court for deciding the matter expeditiously.
- (iii) The accused shall deposit Rs.5000/- towards penalty vide Section 446 of Cr.P.C.
- (iv) The order dictated and pronounced in open Court.

Nagpur
Date: 26.09.2022

(S.R.Agrawal)
Addl. Sessions Judge, Nagpur