


CNR. No. MHNG090020262025

RCC No. 239.2025
State Vs. Pandhari and Ors.

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ORDER BELOW EXH.71.

The present application is filed on behalf of accused nos. 3 and 4 for releasing them on bail.

2. It is contended that accused were arrested on 17.03.2025 for offence punishable under Section 9, 42, 44, 48(a), 49(b) read with section 51 of the Wild Life Protection Act. The accused were remanded to Jail Custody. The charge-sheet was filed. The charge-sheet shows that there is no role of accused no.3 in the crime. The applicants are behind bars for about 1 year. The matter was posted for recording of evidence on 17.06.2025. The trial is under way and not yet concluded. The bail application under section 480(6) of the Bhartiya Nagrik Suraksha Sanhita, 2023 was rejected on the ground that 'the trial is in progress, it can be concluded without substantial period in present circumstances'. The accused are in jail since the date of their arrest and in view of pendency of old matters the case of the applicant is not likely to be taken up for trial and also not likely to be decided in near future. The applicats are sole earning member of the family. They belong to the respectable families and have no criminal antecedents. Hence, there is no possiblity of applicant absconding. They are ready to abide by the conditions of the Court. Hence, he prayed to release the applicants on regular bail.

3. The learned APP filed say at Exh.71 A and contended that the charges against the accused are serious in nature. A prima facie case is made out against the accused. Mere non-conclusion of trial within short period is not sufficient ground for releasing accused on bail. The possibility of absconding can not be ruled out. The accused will commit similar offences. The application is devoid of merrits. Hence, she prayed to reject the application.

4. Heard learned advocate for the accused and the learned A.P.P. Perused proceeding. The accused are under trial prisoners. This is the third bail application filed after filling of charge-sheet. It is filed on behalf of accused nos. 3 and 4. The first bail application at Exh. 3 and 4 and the second bail application at Exh. 31 and 32 were filed under section 480 of the Bhartiya Nagrik Suraksha Sanhita, 2023. On both the occasions, the charge-sheet was filed and the trial against accused was in progress. These applications were rejected. At this stage, 11 witnesses are examined and the trial is in progress. There is no change of circumstances to entertain the present application. Therefore, a third bail application on similar grounds and circumstances is not maintainable. Under such circumstances, I pass the following order-

ORDER

The application is rejected.

Place: Saoner
Date : 05.05.2026

(S. M. Gade)
Judicial Magistrate First Class,
(Court No. 03) Saoner