

RCC No.104/2017
State/Shesharao & others

ORDER BELOW EXH.1.

Perused the record. On perusal of record, it appears that, both the accused are alleged to have committed an offence punishable under Section 379 r/w 34 of I.P.C. The accused No.1 namely Shesharao Rambhad filed an application at Exh.3 to release him on cash security. The said application is allowed and it is directed to deposit cash security of Rs.5,000/- as per order below Exh.3 dated 14.09.2017. However, the accused Shesharao has not deposited the cash security amount till today. On 14.07.2017, the order is passed and it is directed to the accused Shesharao to furnish surety. However, he has not furnished surety till today. The accused No.2 also filed an application to release him on P.R. bond. On 27.07.2017 the order is passed and it is directed to the accused Devendra to furnish surety. However, he has also not filed surety till today. He also filed one application at Exh.10 to release him on cash security and the same application is also granted and it is directed to accused No.2 Devendra to deposit Rs.5,000/- as per order below Exh.10 dated 04.09.2018. However, he has also not deposited cash security till today.

The charge came to be framed against both the accused on 27.09.2017 and the matter is fixed for evidence of the prosecution. Then witness summons was also issued to the witnesses. However, no any witness came before the Court to adduce evidence. The prosecution has not examined to any witnesses after framing of charge. Therefore, on perusal of

entire charge-sheet, it appears that the prosecution has not concluded the trial within 60 days from the date when the matter is fixed for evidence. Therefore, both the accused are appears to be entitled for the benefit provided under 437(6) of Cr.P.C. Both the accused are entitled to be released on bail. However, it appears that both the accused failed to furnish suitable surety and also to deposit cash security. Under these circumstances, they can be released on P.R. bond. I am of the opinion that both the accused are entitled to be released on P.R. Bond. Hence, I pass the following order:-

ORDER

- 1] The accused Nos.1 and 2 be released on their executing P.R. bond of Rs.10,000/- till next date.
- 2] Both the accused are directed to furnish surety of Rs.10,000/- after their release.
- 3] Both the accused are also directed to attend the Court regularly without fail.

Mouda.
Dt.21.03.2018.

(D. D. Fulzele)
Judicial Magistrate first class,
Mouda, Distt. Nagpur