

Sessions Case No. 89/2018

(CNR NO.MHPU01- 001661-2018)

ORDER BELOW EXH. 43

1] The applicant accused Shambhusingh Mulsingh Singhal has filed this bail application under Section 439 of the Code of Criminal Procedure and requested to release him on regular bail, in connection with Crime No.189 of 2017 registered with Faraskhana police station, for the offences punishable under Sections 395, 397, 342 r/w.34 of Indian Penal Code and Section 25 of the Arms Act and Sections 37(1), 135 of the Mumbai Police Act.

2] Briefly stated the prosecution case is that on 22/8/2017 at about 1.45 p.m. after giving threats at the point of pistol to the complainant, the accused thereafter have tied his hands and legs by packaging tape. Also they closed his mouth by packaging tape and committed theft of articles worth Rs. 2,46,000/- .On this complaint the crime has been registered.

3] It is submitted that the applicant has not committed any offence punishable with death or life imprisonment. There is no any criminal antecedents against the applicant. The investigation has been completed by Investigating Officer and presented the chargesheet in the Court. Applicant is permanent resident of given address. So there is no question of his absconding. The applicant undertakes that he will not tamper with any evidence. He is ready and willing to furnish surety to the satisfaction of the Court. If he is released on bail, he is ready and willing to abide by any terms and conditions imposed by the Court. He will not abscond and will remain present for the trial. Lastly

prayed to release him on bail.

4] In response to the notice the prosecution has resisted the application by filing reply thereon contending interalia that the offence is very serious. Mere filing of chargesheet is not the ground for bail. Memorandum statement of this accused is on record and recovery is from this accused. Weapon used in the crime is recovered from another co-accused. The native place of accused is not local, so there is possibility of his absconding. Role of this accused is totally different and active in crime. Lastly prayed to dismiss the application.

5] Heard the learned counsel for applicant accused and the learned APP for the prosecution. Read the application and reply. On going through it reveals that on 22/8/2017 at about 1.45 p.m. after giving threats at the point of pistol to the complainant, the accused thereafter have tied his hands and legs by packaging tape. Also they closed his mouth by packaging tape and committed theft of articles worth Rs. 2,46,000/- .

6] On going through it reveals that investigation has been completed and chargesheet has been filed in the Court. There is no recovery or discovery at the hands of the applicant. No further investigation is pending. Recovery has been already made. So the purpose will not suffice by keeping the applicant behind the bars. So far as absconding of the accused and tampering the prosecution evidence is concerned, by imposing certain conditions the purpose will be sufficed.

7] In the light of above observations it appears that application deserves to be allowed. In the result I pass the following order.

ORDER

- 1] The application is allowed on the following conditions.
- 2] The applicant Shambhusingh Mulsingh Singhal in connection with CR No. 189 of 2017 registered with Faraskhana police station, be released on regular bail on furnishing PR bond of Rs. 30,000/- with one or two solvent sureties in the like amount.
- 3] He shall attend the Court on each and every date.
- 4] He shall furnish his residential address at Pune and he shall not leave Pune city without permission of the IO.
- 5] He shall not tamper, hamper the prosecution evidence.
- 6] He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- 7] Bail before this Court.

(V.K.Kadam)

Date: 03.12.2018

Additional Sessions Judge, Pune.