

Order below Exh.42 [bail]
in Sessions Case No.775 of 2016

Mr. Irfan alias Vicky Ismail Sayyad
Vs.
State of Maharashtra
[Through : Koregaon Park Police Station]

01] This is an application under section 439 of the Code of Criminal Procedure.

02] Briefly stated the facts leading to filing of instant application by the accused are that the Complaint was lodged on 05/07/2016 by the Informant Eliyas Ahamad Shaikh that when he was going in his Chevorlet Car and reached at about 9.00 p.m. near Wadia College Bridge he stopped the car on the side of road. However, three people came, slapped him assaulted him, put him in his car and by giving him threats they got withdrawn Rs.13,000/- and Rs.5,000/- from his ATM Card. They have also taken his Samsung Company Mobile and Rs.10,000/- from his pocket. F.I.R. was registered for the offence under sections 395, 363 of the Indian Penal Code. The applicant-accused alongwith other accused have been arrested on 10/07/2016, since then the accused is in custody.

03] The present applicant-accused has claimed bail on the following grounds.

a] He has not committed any offence and he is innocent and falsely implicated in this case.

b] He is permanent resident of Pune and his name is not there in the Complaint.

c] Other two co-accused have already been released on bail.

d] Investigation is completed and charge-sheet is filed.

04] The Respondent-Prosecution by filing Reply below the application resisted the same. It is contended that first bail application of this applicant-accused was rejected after filing of charge-sheet. More than fifteen crimes have been registered against him. Thus, he is hard criminal. He has been identified in Test Identification Parade. Therefore, if he is released on bail he is likely to give threats to the informant and he may pressurize the witnesses. Therefore, the application may be rejected.

05] Heard both the parties. No doubt, it appears from perusal of crimes registered against the present applicant-accused that he is hard criminal. However, mere there are crimes registered against the applicant-accused could not be ground for rejection of bail application. The investigation is

completed and charge-sheet is filed. Further, other two co-accused have been released on bail. Therefore, on the ground of parity also this applicant-accused is entitled for bail. His presence could be secured by imposing conditions. Since charge-sheet is filed, there is no propriety to keep present applicant-accused behind bars till conclusion of trial which would not conclude in near future. Hence, he is entitled for bail. Therefore, the application deserves to be allowed. Hence, I pass the following final order.

ORDER

01] The application is hereby allowed.

02] The present applicant-accused Mr. Irfan alias Vicky Ismail Sayyad shall be released on furnishing P.R. Bond of Rs.25,000/- [Rupees Twenty-Five Thousand Only] with one or two solvent sureties in the like amount.

03] He shall give attendance to Koregaon Park Police Station on every 15th and 28th date of each month till final disposal of the case.

04] After release from Jail, he shall not enter into Pune District till final disposal of the case except attending this Court and other Courts in respect of cases pending against him and also Koregaon Park Police Station for giving attendance.

05] He shall not leave Maharashtra without prior permission of this Court, till final disposal of the case.

06] He shall furnish his address to Investigating Officer and to this Court where he will reside and shall not change the same without prior permission of this Court.

07] He shall not indulge in any activity of tampering the prosecution material and / or intimidating, coercing, threatening or pressurizing the prosecution witnesses.

08] He shall not misuse the bail granted to him by this order for committing any other offence.

09] If any of the conditions of this bail order is infringed, bail shall automatically be cancelled.

10] Copy of this bail order be sent to Koregaon Park Police Station for compliance.

Pronounced in open Court.

Date : 22/08/2017
Place : Pune.

Sd/-xxx
(Dilip G. Murumkar)
Addl. Sessions Judge,
[C.R.No.4], Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word for word as per original Order.

Name of Steno	:	G. M. Patil [H.G.]
Court Name	:	Shri. Dilip G. Murumkar, Addl. Sessions Judge, [C.R.No.4], Pune.
Date of Order	:	22/08/2017
Order signed by P.O. on	:	23/08/2017
Order uploaded on :		23/08/2017