

Order below Exh.46 [bail]
in Sessions Case No.775 of 2016

Mr. Sharad Raosaheb Ahire

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 However, three people came, slapped him assaulted him, put him in his car and by giving him threats they got withdrawn Rs.13,000/- and Rs.5,000/- from his ATM Card.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 has been falsely implicated in this case on suspicion.

b] He has no concern with alleged offence and there is no reference about the name of applicant-accused in F.I.R.

c] He is permanent resident of Pune and therefore, he would not be absconded.

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

04] The Respondent-Prosecution by filing Reply below the application resisted the same. It is contended that the offence is serious and voluntarily committed. Further, the applicant-accused and other co-accused have been played vital role for committing alleged offences. The applicant-accused has also been identified in Test Identification Parade. Further, ground of parity is not applicable to the present applicant-accused. Therefore, the application may be rejected.

05] Heard both the parties. Perused the charge-sheet. The investigation is completed. Other 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 Sharad Raosaheb Ahire 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 : 03/10/2017
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	:	03/10/2017
Order signed by P.O. on	:	04/10/2017
Order uploaded on :		04/10/2017