

Order below Exh. 8 in SC No. 856/2017**(Passed on 17/01/2019)**

This is an application under section 439 of Cr.P.C. of accused No. 2 Shrikant Nandkumar Zagade seeking his release in the said matter on bail. The accused was arrested by Uttamnagar Police Station Pune city in C.R. No. 75/2016 under section 380, 454, 411, 413 r/w 34 of the IPC. It is contended by the accused that he is in Magisterial custody since long period and his role in the offence as contended by the prosecution that he has helped in disposing off the stolen property. He stated that he is innocent and has been falsely implicated in the said case. There is no previous antecedent and he is permanent resident of Pune. Therefore, he is ready to furnish the surety to secure his presence during the trial and hence requested that he may be released on bail.

2) The prosecution has strongly opposed the application on the ground vide say at Exh. 12 stating that the offence against accused is serious and anti social and he is habitual offender wherein many cases are registered against him and he may tamper the prosecution witnesses. Hence, application may rejected.

3) Heard both sides. Perused the charge-sheet. On completion of investigation, the charge-sheet has been filed on 10/11/2017 and the accused is in jail since 12/09/2017. The role of the accused is that he has help in disposing off the valuable stolen property to the co-accused who is already released on bail. As there

is recovery of stolen property and the co-accused are on bail, there is no propriety to keep the applicant accused in jail till conclusion of trial. There are 11 cases against present accused and he has been released on bail in many of them. His co-accused is also been released on bail. The accused is ready to furnish the surety to secure his presence in the trial court and hence on the law of parity he can be released on bail on certain terms and conditions. Hence, I proceed to pass following order.

ORDER

- 1) The application is allowed
- 2) The applicant-accused Shrikant Nandkumar Zagade is released on bail on furnishing P.R. Bond of Rs. 50,000/- with one or two solvent sureties in the like amount.
- 3) The applicant-accused shall not tamper the prosecution evidence.
- 4) The applicant-accused shall mark his attendance at Uttamnagar Police Station on every 2nd date of each months in between 10.00 am to 11.00 a.m. till final disposal of the case.
- 5) The applicant-accused shall not leave the territory of Pune District without prior permission of the court till the final decision of the case.
- 6) He shall furnish his fresh residential address to concern police station and to this court.

- 7) He shall not indulge of any activity of tampering the prosecution material and / or intimidating, coercing, threatening or pressurizing the prosecution witnesses.
- 8) He shall not indulge himself in any other or similar kind of offence.
- 9) He shall not misuse the conditions of bail granted to him by this court.

Sd/-xxx

(Mrs. Sharayoo V. Sahare)

Addl. Sessions Judge Pune.

Date: 17/01/2019

I Affirms that the contents of this PDF file Judgment are same word for word as per Original Judgment.

Name of Steno: Smt. S.P. Bhagwat, Stenographer Grade -II

Court's name: Addl. Sessions Judge Pune.

Date of Judgment : 17/01/2019

Judgment signed by Presiding officer on: 17/01/2019

Date of P.D.F. : 17/01/2019.