

MHPU140014722012.



SESSIONS CASE NO. 60/2012.

State of Maharashtra

Vs.

Kailas Dattatraya Jagtap and othrs

ORDER BELOW EXH. 52

Accused No. 2 Sandesh Maruti Kshirsagar has preferred this application for releasing him on bail under section 439 of the Cr.P.C.

2] It is submitted on behalf of the present accused that earlier in this matter the present accused was arrested and thereafter released on bail. After that he was remained absent therefore, NBW came to be issued against him. Consequently, on 15.01.2024 he was arrested and taken into M.C.R. Since then he is behind the bars. Initially on 09.09.2020 the bailable warrant came to be issued against him. Thereafter, he could not attend the trial due to outbreak of Covid-19. Meanwhile, he had been to Goa for the employment, where he fell ill and diagnosed to be chronic alcoholic. As such, he could not attend the dates. Therefore, considering the health issues prayed to release him on bail.

3] The Ld. A.P.P. opposed the application by filing say on the overleaf of the application. It is contended that the offence is serious one and the reasons mentioned in the application are not proper. Hence, prayed to reject the application.

4] The Investigating Officer has opposed the application by filing say at Exh. 55. It is submitted that offence is serious one, accused is remained absent during the trial. If released on bail, the applicant-accused may flee away. Hence, prayed for rejection of application.

5] Heard learned Advocate for the applicant-accused and Ld. APP Mr. P. G. Joshi for the State. It is the admitted fact that the present accused was already released on bail. Thereafter, the accused was remained absent, consequently N.B.W. was issue against him and he was taken into MCR and since then he is behind the bars.

6] I have gone through the record. It is seen that as the accused was absent during the trial, hence NBW was issued against him, consequently he was arrested and taken into M.C.R. The medical certificate produced on record shows that he is chronic alcoholic. Further, co-accused No. 3 is also not attending the trial hence NBW came to be issued against him. Therefore, considering the facts and circumstances, and absence of accused No.3, the trial would not be commenced in near future. No purpose would be served by keeping him behind the bars. Consequently, the application deserves to be allowed with conditions. Hence, the order.

ORDER

1. The application is allowed.
2. Applicant-accused Sandesh Maruti Kshirsagar be released on bail on his executing P. R. Bond of Rs. 25,000/- with a surety in like amount only in this Crime No. 163/2011 registered for the offence punishable under Sections 302, 120B, 201 read with section 34 of the Indian Penal Code at Yawat Police Station, on the following conditions:-

- A) He shall not tamper with prosecution evidence in any manner.
- B) He shall not leave India without prior permission of the Court.
- C) He or his relatives shall not contact with the victim or any person related to her or any other prosecution witnesses by any means till conclusion of trial.
- D) He shall submit valid identity and address proofs of his three blood relatives to Investigating Officer as well as to this Court.
- E) He shall attend each and every date of trial.

3. If he disobeyed any of the above conditions, the prosecution is at liberty to move the Court for cancellation of bail.

Date :- 14.02.2024.

Sd/-
(J. P. Darekar)
Addl. Sessions Judge,
Baramati, Dist. 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 Stenographer : I. E. Deshmukh
Stenographer (G-1)

Court Name : J.P Darekar
Additional Sessions Judge,
Baramati, Dist. Pune.

Dictated on : 14.02.2024.
checked on : 14.02.2024.
Signed on : 14.02.2024.
Order uploaded on : 14.02.2024.