

MHPU180013522025



ORDER BELOW EXH. No. 5 IN R.C.C. No. 536/2025

[State (Yavat Police Station) Vs. Raju Rafik Fakir]

(Passed on 27th June, 2025)

Heard Ld. A.P.P. and Defence Counsel. Perused the bail application filed by accused.

2. The offence leveled against accused is under Section 309(4), 3(5) of Bharitya Nyaya Sanhita. Accused is arrested on 21.04.2025 and he is UTP since 24.04.2025. Now chargesheet has been filed against this accused on 18.06.2025. After the filing of chargesheet, present application is filed by accused for releasing him on bail.

3. As the investigation is completed and the chargesheet has been filed, thus, there are change in circumstances. Further, as per ratio held by Hon'ble Supreme Court in Case of ***Satender Kumar Antil Vs. Central Bureau of Investigation & Anr. [(2022) 10 SCC 51]*** and the directions given in respect of U.T.Ps., I am of opinion to consider this bail application with liberal view. In view of ratio held in case law of Antil cited supra, the condition of jails and its overcrowding due to U.T.Ps. has been discussed and directions are given to re-consider the bail application of U.T.Ps..

4. Accused do not have criminal antecedents. Bail of accused was denied at the remand stage due to pending investigation. But now chargesheet is filed as investigation is completed. Thus there is change in circumstances. The completion of trial will take time. Therefore I am not of opinion to keep this accused behind the bar till completion of trial.

5. Therefore, in view of above discussion, considering the peculiar facts of the case at hand, as bail is rule and jail is an exception and the directions given by Hon'ble Supreme Court in above mentioned case law, by imposing certain condition, the apprehension of prosecution can be taken care off and presence of accused can be secured for trial as well as the liberty of accused can also be assured. So accused is released on conditional bail as follows :-

ORDER

1. Accused is released on P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only).
2. Accused shall not tamper evidence or pressurize the witnesses of prosecution.
3. Accused shall attend each date diligently and do not leave jurisdiction of Court.
4. Accused shall not repeat such kind of offence.
5. Accused shall comply with Chapter I para 1 to 6 of Criminal manual.
6. Inform Yerwada Jail Authority accordingly through e-Mail also.

Daund.
Date :27.06.2025

[Smt. S. A. Virani]
I/c. J.M.F.C. Court no. 5,
Daund, Dist. Pune.

CERTIFICATE

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

Name of Steno	:-	S. R. Banda.
Name of the Court	:-	Smt. S. A. Virani, J.M.F.C., Daund, Dist. Pune.
Order date	:-	27.06.2025.
Order signed by the Presiding Officer on	:-	27.06.2025.
Order uploaded on	:-	27.06.2025.