



ORDER BELOW EXH. No.20 IN R.C.C. No.747/2023
[State (Yavat Police Station) Vs. Nilesh Gore & Ors.]
(Passed on 26th August, 2024)

Heard Ld. A.P.P. and Defence Counsel. Perused the bail application filed by accused no.01 through Legal Aid Counsel.

02. The offence leveled against accused no.01 is under Section 394 and 341 r/w 34 of the Indian Penal Code. Accused was arrested on 03.10.2023 and his bail was rejected on 07.10.2023. It appears that the accused have not preferred any appeal against the rejection of his bail. Therefore, since then accused is an U.T.P.. The chargesheet has been filed against the accused on 05.12.2023. After that this present application is filed by accused no.01 for releasing him on bail.

03. 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.. Furthermore, in view of peculiar fact of this case at hand, it appears that the accused no.02 is already on bail and accused nos.03 and 04 are absconded. Also, there is no prospect that the trial will begin soon as the chargesheet for accused nos.03 and 04 are filed under Section 299 of the Code of Criminal Procedure. Further,

the chargesheet do not show any other criminal antecedents of this accused no.01. Thus, accused no.01 is not habitual offender.

04. Therefore, in view of above discussion, as bail is rule and jail is an exception and the directions given by Hon'ble Supreme Court in abovementioned 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 no.01 is released on conditional bail as follows :-

01. Accused no.01 is released on P.B. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand only).
02. Accused shall not tamper evidence or pressurize the witnesses of prosecution.
03. Accused shall attend each date diligently and do not leave jurisdiction of Court.
04. Accused shall not repeat such offence.
05. Inform Yerwada Jail Authority accordingly through e-Mail also.

Daund.
Date :- 26.08.2024.

[Smt. S. A. Virani]
I/c. J.M.F.C. (Court No.05),
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	:-	P. D. Jagatap.
Name of the Court	:-	Smt. S. A. Virani, J.M.F.C., Daund, Dist. Pune.
Order date	:-	26.08.2024.
Order signed by the Presiding Officer on	:-	26.08.2024.
Order uploaded on	:-	26.08.2024.