

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,**  
**GHODNADI, TAL. SHIRUR, DIST. PUNE**

**R.C.C. No. 272 of 2020**  
**CNR No. MHPU200012122020**  
**Hawabi Hamib Shaikh Vs. Babu Baban Chavan**

**:: ORDER BELOW EXH.NO. 37 ::**

1. Accused No. 1, 2 and 4 have filed the present application to release them on bail.
2. Read application and say filed by the complainant. Heard the learned Advocate for the accused and the learned Advocate for the complainant.
3. Learned Advocate for the accused submitted that the accused are innocent and they have not committed the alleged offences. Though the alleged offences are non-bailable, they are triable by this Court. They are ready to abide each and every condition imposed by the Court. The accused are sole earning members of their family. The alleged offences are not punishable with life imprisonment or death. There is no criminal antecedents against the accused. The accused will not abscond, if they are released on bail. They are ready to furnish bail and prayed that the accused may kindly be released on bail.
4. The learned Advocate for the complainant submitted that the alleged offences are non-bailable and serious in nature. If the accused are released on bail, they will not present in the Court. The application may kindly be rejected.
5. Considering rival submissions of both the parties, it appears that accused No. 1, 2 and 4 have filed the application to release them on the bail. It is evident from record that this is a case instituted otherwise than

police report. Today, accused No. 1, 2 and 4 are present in the Court. Though the alleged offences are non-bailable, they are triable by this Court. They are ready to abide each and every condition imposed by the Court. It also appears that the alleged offences are not punishable with life imprisonment or death. There is no criminal antecedents against the accused. The accused are ready to furnish bail bonds.

6. It is pertinent to note that, while deciding the application of bail, it should be kept in mind that, bail is rule and jail is an exception. Under such circumstances, no purpose will be served in keeping the accused behind the bars. While releasing accused on bail, some conditions need to be imposed upon them Hence, I proceed to pass the following order.

**:: ORDER ::**

1. Application is allowed in the following terms and conditions :
  - (a) Accused No.1, 2 and 4 are released on bail upon furnishing their own P.R. bond of Rs.15,000/- and one fit and sufficient surety or cash surety of the like amount each.
  - (b) Accused No.1, 2 and 4 shall remain present in the Court till conclusion of trial on each and every date, unless their presence is dispensed with their learned Advocate.

Date : 30/01/2025.

**(D.B.Domale)**  
Judicial Magistrate First Class,  
Ghodnadi, Tal. Shirur, Dist. Pune.