

	RCC .No. 414/2022
	State Vs. Akshay Kale + 1
	CNR NO : MHPU200020082022

**Bail order in RCC No.414/2022, Shikrapur Police
Station for the offences punishable under Sections 379
411 r/w 34 of IPC.**

(passed on 08/08/2022)

This is an application for bail by accused no.1 Akshay Anil Kale under Sec.437 of the Code of Criminal Procedure(hereinafter Cr.PC) to release him on bail. Further, Legal Aid Advocate Smt.Wabale filed application under scheme of Released [UTRC@75](#). Heard Adv. Smt.Wabale and Learned APP. Perused the application and say of APP. Heard both sides. Accused no.1 comes under category no.3, 5 & 15.

2. Perused application and say of APP. Heard both advocates. Accused no.1 Akshay Kale has submitted to release him on bail. Ld.Adv. Smt.Wabale submitted that accused is in jail since 08/06/2022. The charge-sheet is filed in the Court. The investigation is completed. The entire case is based upon the documentary evidence. IO has collected all documents and filed charge-sheet against the accused presons. He submitted that Accused no.1 ready to abide bail conditions. He will not abscond from the jurisdiction of Court. He will abide all conditions of bail. Hence, he submitted to release him on bail.

3. Per contra, APP have apposed the application. APP submitted that accused no.1 Akshay Kale is habitual and several offences

are pending against him. He submitted that if accused released on bail, he will tamper with the evidence of prosecution and pressur to the informant and the witnesses. He lastly submitted that if accused released on bail there is chance of committing similar kind of offence by the accused. Hence, prayed to reject the bail application.

4. I consider submissions of both sides. I gone through the FIR and charge-sheet filed on recrod. During the investigation muddemal proeprty of Rs.30,000/- is already recovered at the instance of the accused.

5. I consider submissions of both sides. Before deciding this application, the factors which are necessary taken into consideration under Sec.437 of the Cr.PC are as under :-

- A) The nature of accusation and severity of punishment in case of conviction and the nature of supporting evidence;
- B) Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;
- C) Prima-facie satisfaction of the Court in support of the charge;
- D) Reasonable possibility of securing presence of the accused at the time of trial or the likelihood of the abscondence;
- E) Character behaviour and standing of the accused and the circumstances which are peculiar to the accused;

6. I have gone through the FIR. I have gone through the charge-sheet and the material filed by the investigating officer. It shows that IO has completed the entire investigation and filed charge-sheet

against accused persons. It shows that the case is based upon the documents which have filed on the record. No doubt the accusation against accused persons will be proved at the flag end of the trial. Right now, the investigation is completed.

7. The record of the case shows that the investigation is completed. IO has filed the material documents on the record. The case is based upon the documentary evidence. Since, 08/06/2022 accused no.1 is in Jail. Accused no.1 comes under category no.3, 5 & 15 i.e. he is charged with compoundable offence, he may be covered under Probation Of Offender Act for offences punishable less two years and he is charged for offence punishable upto 7 years of imprisonment. No purpose will serve by keeping him behind bar further. Having regard to the facts and circumstances of this case, No purpose will serve by keeping him behind bar. Chapter XXXIII of the Code of Criminal Procedure,1973 is a self-contained Code dealing with the bail and bail bonds. While granting bail, Courts have the power to impose conditions. In the interest of justice it is proper to release him on some conditions. Hence, proceed to pass the following order ;

ORDER

- 1) The application is allowed.
- 2) Applicant/accused no.1 Akshay Kale be released on bail after executing PR bond of Rs.15,000/- and short time granted for furnishing surety bond.
- 3) Accused shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the

case so as to dissuade them from disclosing such facts to the court or to any police officers.

- 4) Accused shall not obstruct or hamper the investigation and not to play mischief with the evidence collected or yet to be collected by the police.
- 5) Accused is directed not to indulge in any sort of criminal activities. Moreover, accused shall maintain law and order.
- 6) Accused shall regularly remain present during the trial and cooperate the court to complete the trial.
- 7) Failure to abide by the terms and conditions, would entail for cancellation of his bail.

(P. S. Sonkamble)

Judicial Magistrate First Class,

Ghodnadi-Shirur, Pune

Date :- 08/08/2022.

CERTIFICATE

I affirms that the contents of this P.D.F. file order are same word for word as per original order -

Name of the Court	:-	(P.S.Sonkamble, Judicial Magistrate First Class, Ghodnadi (Shirur)
Name of the Steno	:-	M.B.Marathe.
Date of Order	:-	08/08/2022
Order signed by presiding officer	:-	08/08/2022
Order uploaded on	:-	10/08/2022