

: ORDER BELOW EXH.34 IN SESSIONS CASE NO.24/2019 :
(CNR No. MHRG15-0003683-2019)
(Passed on 21.10.2024)

- 1) The present application is filed by applicant/accused no.1 under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for regular bail.
- 2) The applicant contended that he is charged for the offence punishable under section 379, 353 r/w. section 34 of Indian Penal Code and section 21 of the Mines & Minerals (Development and Regulation) Act, 1957. He was released on regular bail.
- 3) He further contended that he could not appear on the dates of hearing. Therefore, Non-Bailable Warrant was issued against him. On 08.10.2024 he made an application to cancel the Non-Bailable Warrant. But this Hon'ble Court rejected the application and had taken him in Judicial Custody.
- 4) He further contended that that he was absent due to the reasons beyond his control. Henceforth, he will not remain absent on the dates of hearing. The investigation is completed. Therefore, nothing is to be recovered or discovered at his instance and prayed that he may be released on regular bail.
- 5) Ld. A.P.P. filed his say at Exh.35. He contended that the trial is delayed due to the absence of applicant/accused and if the applicant/accused is released on regular bail, there are chances that he may again abscond and delay the trial. He prayed that the

application be rejected.

6) Heard Ld. advocates appearing for parties.

7) On perusal of material, available on record, it appears that the applicant was previously released on regular bail. The applicant was not attending the dates of hearing. Therefore, Non-Bailable Warrant was issued against him. On 08.10.2024 he had made an application for cancellation of Non-Bailable Warrant. The said application was rejected and the applicant was taken in Judicial Custody. The material shows that the charge-sheet is filed against applicant. Therefore, nothing is to be recovered or discovered at the instance of applicant. The applicant/accused was taken in custody, as he was not attending the dates of hearing. The offence for which the applicant is charged, is not punishable with death or life imprisonment. Therefore, taking into consideration all the above facts, in my opinion, applicant can be released on regular bail by putting stringent conditions for his appearance at trial. Hence, I proceed to pass the following order :-

: O R D E R :

- 1) The application is allowed.
- 2) The applicant/accused no.1 Ramij Rajjaq Dange be released on regular bail in Crime No.72/2018 registered at Roha Police Station, for the offence punishable under Sections 353, 379, r/w. section 34 of Indian Penal Code, on his executing PB. of Rs.25,000/- (Rs. Twenty five thousand only), with one solvent

surety in like amount.

- 3) The applicant/accused shall attend each date of hearing.
- 4) Violation of any condition will entail for cancellation of bail.

(Dictated and pronounced in open Court)

Mangaon.
Date : 21.10.2024.

(H. K. Bhalerao)
Additional Sessions Judge,
Mangaon-Raigad