

**: ORDER BELOW EXH.13 IN SESSIONS CASE NO.43/2022 :**  
**(CNR No. MHRG15-000425-2022)**  
(Passed on 22.01.2025)

1) The present application is filed by applicant/accused no.2 Janardan Sudam Mankar under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for releasing him on regular bail.

2) The applicant contended that the Investigating Officer has filed charge-sheet against him for the offence punishable under section 353, 341, 117, 352 r/w. section 34 of Indian Penal Code. On 26.12.2024 he was ill and had gone to Doctor at Mumbai. The Doctor had told him that he has hole in his heart. He is taking treatment for it. Therefore, he could not remain present at the time of hearing. This Court had issued Non-Bailable Warrant against him. He has been arrested in the execution of Non-Bailable Warrant.

3) He further contended that he deliberately had not remained absent on the dates of hearing. He could not attend the dates of hearing due to the circumstances beyond his control. The Investigating Officer had filed charge-sheet against him. Therefore, nothing is to be recovered or discovered at his instance. He was earlier released on bail. He prayed that he may be released on regular bail.

4) Ld. A.P.P. filed his say at Exh.16. He contended that the offence is serious in nature. The applicant had restrained the Public Officer from performing his official duty. The charge-sheet is filed

against the applicant. The trial is prolonged due to the absence of applicant. He further contended that if the applicant is released on regular bail, there are chances that he may again pressurize the witnesses and tamper the evidence of prosecution. He prayed that the application be rejected.

5) Heard Ld. advocates appearing for parties.

6) On perusal of material, available on record, it appears that the applicant is arrested in execution of Non-Bailable Warrant. The applicant has given his health reason for not attending the dates of hearing. The reason stated by the applicant, seems to be justified. The charge-sheet is filed against the applicant. Therefore, nothing is to be recovered or discovered at the instance of applicant. He was earlier released on regular bail. 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.2 **Janardan Sudam Mankar** be released on regular bail in Crime No.43/2016 registered at Mangaon Police Station, for the offence punishable under section 353, 341, 117, 352 r/w. section 34 of Indian Penal Code, on his executing P.B. of Rs.55,000/- (Rs. Fifty five thousand only), with one solvent surety in like amount.

- 3) The applicant shall not pressurize the witnesses or tamper the evidence of prosecution.
- 4) The applicant/accused shall attend each date of hearing.
- 5) Violation of any condition will entail for cancellation of bail.

(Dictated and pronounced in open Court)

Mangaon.  
Date : 22.01.2025.

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