

: ORDER BELOW EXH.23 IN SESSIONS CASE NO.59/2022 :
(CNR No. MHRG15-000588-2022)
(Passed on 07.01.2025)

- 1) The present application is filed by applicant/accused under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for regular bail.
- 2) The applicant contended that he was firstly arrested in the present offence on 27.05.2022. Thereafter, this Court had released him on regular bail on 27.06.2023. He was not remaining present on the dates of hearing. Therefore, this Hon'ble Court had issued Non-Bailable Warrant against him. He has been arrested in execution of Non-Bailable Warrant on 17.08.2024. Since then he is behind bars.
- 3) He further contended that he had not deliberately remained absent on the dates of hearing. He had remained absent 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 prayed that he may be released on regular bail.
- 4) Ld. A.P.P. filed his say at Exh.24. He contended that the applicant is charged for the serious offence. He was previously granted bail by this Hon'ble Court. The applicant had jumped the bail. The trial is prolonged due to the absence of applicant. 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 on 27.06.2023 the applicant was released on regular bail by this Court. The applicant could not furnish the bail. Therefore, he filed an application at Exh.13 praying to reduce the surety amount. Accordingly this Court vide its order dated 06.10.2023 had reduced the amount of surety. Thereafter, the applicant was released on bail. The material available on record, further shows that the charge is framed against applicant. After he was released from jail, the applicant had only attended three dates of hearing. Thereafter, he was continuously absent. Therefore, this Court had issued Non-Bailable Warrant against the applicant. The applicant is arrested in execution of Non-Bailable Warrant. The material available on record shows that the applicant had jumped the earlier bail. The trial is prolonged due to the absence of applicant. Therefore, taking into consideration the fact that the trial is prolonged due to the absence of applicant. The applicant had violated the earlier order of bail, therefore, in my opinion, the applicant is not entitled for the discretionary relief of bail. Hence, I proceed to pass following order :-

: ORDER :

1) The application is rejected.

(Dictated and pronounced in open Court)

Mangaon.
Date : 07.01.2025.

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