

MHRG170001962020



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PANVEL-
RAIGAD, AT : PANVEL
ORDER BELOW EXHIBIT 10 IN SESSIONS CASE NO.10/2020
(Dated 17/01/2023)**

1. The applicant/accused No.1 Md.Mushtak Naushad Alam @ Sagar is seeking bail u/sec.439 of Cr.P.C.for in C.R.No.263/2019 registered with Kalamboli Police station for the offence p/u/sec.394, 397 r.w.34 of IPC.
2. Heard Ld.Adv.for the applicant who submitted that, applicant was arrested on 01/10/2019. It is submitted that, complainant alleged that on 26/09/2019 at around 1.00 a.m. in the night was on the road at sector No.17 Roadpali, Kopra Kharghar, and was returning to his house. Three persons came on a motorcycle, initially had interaction with the complainant and later on assaulted the complainant, robbed him. The cell phone and wrist watch of the complainant was taken away.
3. Accused submits that for last more than 3 years he is in judicial custody. False case is filed against him. Nothing was recovered from him during investigation. It is submitted that, there was no TIP. The accused is ready to abide all terms and conditions. He pray for grant of bail.

4. Prosecution opposes the bail application by say at Exh.12. It is submitted that, there are other crimes registered at Kamothe, Taloja Kalyan Taluka, Wadala police stations against all accused. If bail is granted, accused will abscond.

5. Heard Ld.Adv.for the applicant/accused and Ld.APP for the State. On behalf of accused it is submitted that for last more than 3 and half yearse accused is in custody. Nothing was seized from the accused and trial will take much more time to commence. Ld.APP submitted that applicant/accused committed serious crime, if bail is granted he will abscond.

6. It is not disputed that, since 03/10/2019 applicant/accused No.1 Md.Mushtak Naushad Alam @ Sagar is in custody. The matter is pending for framing of charge. The trial will take substantial time to commence.

7. According to prosecution there are other crimes of similar nature against the applicant/accused No.1 and others. However, in none of the crimes applicant/accused No.1 is convicted yet. Hence, pendency of crimes, will not be a ground to reject the bail.

8. If the charge-sheet and say of the prosecution is considered, then, except a small knife worth Rs.200/- and a cell phone, nothing else was recovered from the applicant/accused No.1. Stringent conditions can be imposed to secure presence of

applicant/accused in future. Hence, by imposing condition bail can be granted. I pass following, order.

ORDER

1. Application Exh.10 is allowed.
2. Applicant/accused No.1 Md.Mushtak Naushad Alam @ Sagar in C.R.No. 263/2019 registered with Kalamboli Police station for the offence p/u/sec.394, 397 r.w.34 of IPC be released on PB of Rs.50,000/- and a **local surety** of like amount.
3. Applicant/accused No.1 shall not directly or indirectly induce or threat prosecution witnesses and the victim.
4. Applicant/accused No.1 shall attend Kalamboli police station on every Sunday between 11.00 a.m. to 01.00 p.m. till the decision of the case.
5. Bail before this Court.
6. Inform concerned police station.

Panvel

(Jairaj D.Wadne)

Dated :-17/01/2023

Addl. Sessions Judge, Panvel-Raigad

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the stenographer : S.J.Sheth

Name of the Court : Additional Sessions Judge,
Panvel Raigad

Date of dictation : 17/01/2023

Order signed by the P.O.on : 17/01/2023

Order uploaded on : 18/01/2023