

MHRG170002762024



**IN THE COURT OF DISTRICT JUDGE-1 & ADDITIONAL
SESSIONS JUDGE, PANVEL RAIGAD
ORDER BELOW EXHIBIT 3 IN BAIL APPLICATION NO.19/2024
(Dated 22/03/2024)**

1] The applicant/accused No.3 **Mahadeo Bajran Nirge** is seeking bail in C.R.No.309/2023 registered with NRI Coastal police station for the offences punishable under section 379, 465, 468, 471, 413, 201 120 (B) of IPC.

2] According to prosecution, informant is security officer at the site of L & T Construction. The incidence had occurred on 26/10/2023 at 04.30 a.m. There was theft of 350 aluminum plates worth Rs.5 Lacs. As per security guard, vehicle bearing No.MH-40/CR-8271 had came at the site and carried the material by falsely representation.

3] In view of the above report aforesaid crime was registered. Applicant/accused No.3 submits that, he is innocent and has not committed any alleged act. He submits that charge-sheet is filed, alleged muddemal are recovered. There is no incriminating evidence against applicant/accused. According to him, he was employee in the hotel run by accused No.1. It is submitted that, offence u.sec.413 of IPC is not attracted. The previous bail was rejected on the ground that investigation was not completed. Now investigation is completed and charge-sheet is filed.

4] Investigation officer has filed say at Exh.6. He submits that, applicant/accused No.3 was sitting in said truck by which stolen property was carried away. If bail is granted to the accused, he will tamper with the evidence and he may abscond.

5] Heard Ld.Adv.Morepatil and Ld.APP Bhopi.

6] Admitted facts are that, investigation is completed and charge-sheet is filed. Applicant/accused No.3 was arrested on 02/11/2023 and since then he is in custody. Admitted fact is that, one of the co-accused of the present crime Jay Gupta is enlarged on anticipatory bail by Hon'ble Apex Court on 16/02/2024.

7] Ld.Advocate for the accused No.3 pointed out that, role of present applicant/accused is only as a employee of accused Nos.1 and 2. Ld.Advocate also pointed out me that offence p/u/sec.413 of IPC is not attracted for which reliance is placed on the decision of Vinod Mali Vs. State of UP.

8] Ld.Advocate relied on the decision of Satish Kumar Vs. State of H.P wherein the decision of Dinesh Kumar Vs. State of HP is relied upon. The law laid down is that, confession of accused and phone calls are not sufficient to deny the bail.

9] In view of the aforesaid decision relied by Ld.Advocate if the allegations against present applicant/accused No.3 are considered then, admittedly accused No.3 is employee of accused

Nos.1 and 2. Except alleged presence at the spot, no other role is attributed to him by the prosecution. The main culprit is enlarged on pre-arrest bail by Hon'ble Apex Court. Hence, I find present applicant/accused No.3, who has an alleged lessor role is entitled to be enlarged on bail. Stringent conditions will suffice to secure presence of the accused and to protect prosecution evidence from being tampered. Hence, I pass following order.

ORDER

1. Application Exh.3 is allowed.
2. Applicant/accused No.3 Mahadeo Bajran Nirge in C.R.No.309/2023 registered with NRI Coastal police station for the offences punishable under section 379, 465, 468, 471, 413, 201 120 (B) of IPC be released on P.B.of Rs.25,000/- and executing S.B. of like amount.
3. Applicant/accused shall not directly or indirectly induce jor threat prosecution evidence.
4. Applicant/accused shall file undertaking that on every 3rd Saturday of month, he will attend concerned police station from 10.00 a.m. to 01.00 p.m. till further orders.
5. Inform concerned police station and copy of order be sent to Taloja jail by E-mail.
6. Bail before this court.

Panvel
Date :-22/03/2024.

(Jairaj D.Wadne)
Additional 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	: 22/03/2024
Dictation transcribed on	: 26/03/2024
Order signed by the P.O.on	: 26/03/2024
Order uploaded on	: 26/03/2024