

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PANVEL-
RAIGAD**

Special (MCOC) Case No.106/2020
Order Below Exh.23
(CNR No.MHRG170010322020)

The State of Maharashtra V/s. Pravesh Rampujan Choudhari
and others

(Passed on 15/02/2022)

1] Applicant/accused - Santosh Jayprakash Rajbhar has filed application for regular bail u/sec. 439 of Cr.P.C., of the offences punishable u/sec.407, 465, 468, 471 r/w.34 of I.P.C and sec.3(1)(ii), 3(2), 3(4) of MCOC Act, in crime No.79/2017, police station Nhava Sheva.

2] Perused application, say and record.

3] Ld. Advocate for applicant/accused submitted that, this accused is listed in FIR as accused No.5. He has no active role in the commission of offence. He is a driver and as per FIR he has prepared forged driving license only. Since 4 years he is behind bar but till date trial could not commence. It is not just and proper to keep this accused behind bar for uncertain period. Considering his age i.e 22 years old, it is not proper to keep him behind bar to spoil his golden years again in the jail. Previous he has submit his bail application before Hon'ble Bombay High Court, but as he has

no relative in the Maharashtra nobody present before Hon'ble High Court nor met with the advocate, therefore on 15/11/2021 his bail application was dismissed for want of prosecution. Hence, lastly prayed for his regular bail.

4] Ld.A.P.P. Shri.Patil strongly objected his bail application and submitted that, it is a serious offence, wherein his role appears. Sections of MCOC also levelled against him. His earlier bail application was rejected. No change in circumstances shown by him. Lastly, prayed for rejection of his bail.

5] I have gone through record and found, on 13/09/2018 this accused was arrested. Near about 3 ½ years this accused is behind bar. Charge-sheet submitted before the court on 18/12/2017. However, at the time of submitting charge-sheet this accused shown absconded and thereafter, he was arrested. It is expected that, during huge period of his custody he was thoroughly interrogated. Record shows, on 25/10/2018 his earlier bail application was rejected by Ld.The Then presiding officer as investigation in his regard was in progress and considering the gravity of offence.

6] Before the Sessions court, the said charge-sheet commit on 16/10/2020, but till date by one or other reason, its trial could not commence. As per FIR, this accused prepared forged and

fabricated driving license. No greater role seen in this crime to his credit as per FIR. Considering his period which he languishing behind bar without trial is an ultimate change in circumstances. No doubt, offence is serious, but it is not a ground to reject his bail application, particularly when, without trial he is behind bar. He is the permanent resident of Uttar Pradesh State, but considering the role, his age and custody period, I do not find it is the ground to reject his bail. On imposing harden conditions, he is entitled for regular bail. Hence, I pass following order.

ORDER

1. Bail Application (Exh.23) is hereby allowed.
2. Applicant/accused - Santosh Jaiprakash Rajbhar be released on bail of the offences punishable u/sec.407, 465, 468, 471 r/w.34 of I.P.C and sec.3(1)(ii), 3(2), 3(4) of MCOC Act, in crime No.79/2017, police station Nhava Sheva, on his executing bond of Rs.10,000/- with one local surety in the like amount on following conditions -
 - a] He shall attend the court on each and every date without fail.
 - b] He shall not meet or pressurize with the informant and prosecution witnesses.
 - c] Whenever he wants to leave his resident district, he shall obtain prior permission of this court.
3. The breach of above conditions shall lead to the cancellation of bail.

4. Bail before concerned court.
5. Hamdast allowed.

Panvel, (Madhuri Anand)
Date : 15/02/2022 Additional Sessions Judge,
Panvel-Raigad.

Dictation started on : 1.35 p.m
Dictation concluded on : 1.50 p.m

Note :- Argument of both parties heard on 13/08/2021 and kept for order on 27/01/2022. On 27/01/2022, status of bail application in Hon'ble High Court filed, hence kept for order on 15/02/2022 and order passed on same day.

CERTIFICATE

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

Name of stenographer	P.S.Mhatre
Name of Court	District Judge-2, Panvel-Raigad
Date of Dictation	15/02/2022
Order signed by the P.O on	15/02/2022
Order uploaded on	21/02/2022