

MHRG170015092019



**IN THE COURT OF DISTRICT JUDGE-1 & ADDITIONAL
SESSIONS JUDGE, PANVEL RAIGAD
ORDER BELOW EXHIBIT 101 IN
SESSIONS CASE NO.381/2019 (OLD NO.61/2018)
(Dated 07/07/2023)**

1] The applicant/accused No.1 **Nilesh Gangaram Doke** is seeking bail as per section 439 of Cr.P.C. in C.R.No.52/2018 registered with NRI Coastal police Station for offence p/u/sec.302, 201, 467, 468, 470, 471 r.w.34 of IPC.

2] It is submitted that, accused has no concern with the said crime, he was not present at the place where the deceased died. He submits that, since 01/03/2018 he is in custody. On such and other grounds, he pray for release on bail.

3] Prosecution submits that, offence is serious and present accused was involved in the crime. It is submitted that all accused conspired and had caused the murder of the deceased for the reason that, deceased may disclose the irregularities of the institute of the accused. It is submitted that, false documents were prepared. If bail is granted, accused will destroy the evidence against him. Earlier three bail applications were rejected.

4] Heard Ld.Adv. Shri Gunjal and APP Smt.Patil.

5] At the outset it be noted that, Hon'ble Parent High Court in a Bail Application passed order on 10/02/2021 and had expedited trial of the present case. Hon'ble Parent High Court directed to conclude the trial within a period of one year.

6] In view of this order of the Hon'ble High Court if the record of this case is perused, the then Adhoc Dist.Judge Pannel on 25/02/2021 noted this order and matter was kept for framing of charge. From the roznama charge was framed on 23/03/2021. Thereafter till 29/09/2021 this matter was adjourned from time to time due to Covid-19 pandemic. The regular working of the Court commenced in November 2021. Record shows that, prosecution did not take any steps. The first witness was partly examined on 31/01/2022 and for the purpose of identification of the accused, the trial was adjourned, as accused No.1 was not produced. The record shows that thereafter the prosecution witness PW 1 did not remain present. In the meanwhile accused No.1 moved bail application which was rejected by me.

7] Thereafter the oral evidence of PW 1 concluded on 22/09/2022. The record shows that, the second witness was examined on 09/12/2022. Third witness was examined on 04/03/2023. Thereafter on 16/03/2023 the Ld.Prosecutor applied for issuing summons for deposit of muddemal property. Till date prosecution has examined 7 witnesses.

8] If aforesaid state of affairs is considered then, inspite of order of the Hon'ble High Court to conclude the trial within one year, the investigation officer has not paid any attention to secure the presence of any witnesses and deposit the remaining muddemal. In all there are 58 witnesses of the prosecution. Only seven are examined till date. The order of the Hon'ble Parent High Court is already not complied by the Predecessor of this Court and even by me. In such circumstances, the accused No.1 who is in custody for about more than five years, cannot be kept behind the bar for indefinite period. Considering the number of the witnesses of the prosecution, and the way in which the investigation officer is handling the case, the trial will take substantial time to conclude.

9] Ld.APP and victim of the crime, who is present, submits that, if bail is granted, accused No.1 will threaten the witness and destroy the evidfence against him.

10] It be noted that, the informant, victim of the crime and relative of the deceased are already examined. The allegations are of fabrication of documents, preparation of forged record etc. For this stringent conditions can be granted to protect this evidence. The accused No.1 can be prohibited from visiting and staying in Mumbai, Thane, Navi Mumbai and Panvel, except attending the police station and Court. This will suffice.

11] Without touching to the merits of the case, only for the reason that, prosecution, IO and some unexpected circumstances, caused delay in the trial and the order of the Hon'ble High Court

could not be complied, bail to accused No.1 is granted. Hence, following order.

ORDER

1. Application Exh.101 is hereby allowed.
2. Applicant/accused No.1 **Nilesh Gangaram Doke** in C.R.No.52/2018 registered with NRI Coastal police Station for offence p/u/sec.302, 201, 467, 468, 470, 471 r.w.34 of IPC. be released on SB and PB of Rs.1,00,000/-, accused No.1 to furnish **local solvent surety**
3. Applicant/accused No.1 shall not directly or indirectly induce or threat the prosecution witnesses.
4. Applicant/accused No.1 is prevented from entering, staying in Mumbai, Thane, Navi Mumbai and Panvel territorial region, except attending the Sessions Court at Panvel, till the conclusion of trial. The concerned police station shall ensure that this condition is strictly obeyed.
5. Applicant/accused No.1 shall furnish his address proof on record, of the place at which he will stay after release on bail and names of his three blood relatives alongwith their address.
6. Bail before this Court.
7. Inform concerned police station. Copy of order be sent to Aadhar wadi jail by E-mail to serve upon the Applicant/accused

Panvel
Date :-07/07/2023.

(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	:	07/07/2023
Order signed by the P.O.on	:	07/07/2023
Order uploaded on	:	10/07/2023