

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
PANVEL-RAIGAD

Sessions case No.533/2019
Order Below Bail application (Exh.15)
State of Maharashtra V/s. Ghanashyam Chandrakor and
Ors.
(CNR No. MHRG170127832019)

(Passed on 05th February, 2021)

- 1] Applicant/accused No.2-Mallu Mahadev Appa Pujari has filed application for regular bail u/sec. 439 of Cr.P.C., of the offence punishable u/secs.302 and 201 of Indian Penal Code, in crime No.81/2019, police station Panvel Town.
- 2] Perused application, say and record.
- 3] Ld. Advocate for applicant/accused submitted that, co-accused Mohit Khatik already released on bail long back on 13/011/2019. Initially, F.I.R registered against unknown person. No eye witness in this matter, found only circumstantial based evidence seen in the charge-sheet. Nothing recovered from him. Only clothes of accused seized. Body of deceased was unidentified. T.I. parade also not supported to the prosecution. C.A reports are negative. Charge-sheet filed before 2 years, but till date its trial not commenced. There is no possibility to commence said trial

earliest. Hence, lastly prayed for his regular bail.

4] Ld.A.P.P. Shri.Bhopi strongly opposed his bail application and submitted that, it is a serious offence of murder. Role of this accused appears in the statement of witnesses. Though it is a matter of circumstantial evidence, but witnesses speaks about the particular role of the present applicant/accused. Though charge-sheet filed, but accused did not show his change in circumstances, there is a possibility to tamper with the prosecution witnesses. Lastly, prayed for rejection of his bail.

5] I have gone through record and found, F.I.R lodged initially against unknown person and during the investigation, present applicant/accused and other co-accused arrested. Whether they are involved in this crime or not will be decided after concluding of trial, but till date its trial not commenced though charge-sheet filed on 20/05/2019. Prima-facie perusal of charge-sheet, it appears, the case in hand is based on the circumstantial evidence. It is not just and proper to keep present applicant/accused behind bar for uncertain period without trial though they are alleged accused persons in the offence of murder.

6] Apprehension of prosecution that, he will tamper with the witnesses and will not turn up before the court, can be

taken care by imposing some harden conditions on him.
Hence, I pass following order.

O R D E R

1. Regular bail Application (Exh.15) is allowed.
2. Applicant/accused No.2-Mallu Mahadev Appa Pujari be released on bail of the offences punishable u/secs.302 and 201 of Indian Penal Code, in crime No.81/2019, police station Panvel Town, on his executing bond of Rs.25,000/-with one solvent 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 victim and prosecution witnesses.
 - c] He shall not leave his concerned district without prior permission of this Court.
3. If applicant is unable to furnish any surety during the lock-down period, then he is permitted to deposit surety amount of Rs.25,000/- in the court and thereafter, he shall furnish solvent surety in the like amount after lock-down period is over in the court.
4. The breach of above condition shall lead to the cancellation of bail.
5. Bail before concerned court.
6. Hamdast allowed.

Panvel,
Date : 05/02/2021

(Madhuri A.Anand)
Addl. Sessions Judge, Panvel-Raigad.