

ORDER BELOW EXH.118 IN SESSION CASE NO. 9 OF 2022
(CNR NO.MHRT010001372022)

State of Maharashtra

Prosecution

Versus

Jiyauddin Liyakat Phansopkar and Ors.

Accused

Read application of accused no.7 and say filed by Ld. APP Mr. Salvi over it. Perused case record. Heard Ld. Adv. Mr.S.R.Parkar for accused no.7 and Ld. APP Mr. Salvi for State.

02. The application is filed by accused no.7 to release him on fresh bail. The accused no.7 has contended in his application that NBW is issued against him as he could not remain present for trial of case and he is arrested by police in execution of NBW and produced before the Court today. The Grand-mother and brother of accused no.7 died within last few days and so he could not remain present before the Court for trial of case. The accused no.7 has not intentionally remained absent before the Court. The accused no.7 is permanent resident of Rajiwada Ratnagiri and he works as fisherman on the boat. The parents of accused no.7 are old and depend upon him for livelihood. The accused no.7 is only earning member of his family and if application is not allowed, then his family members may suffer starvation. Accused no.7 will abide all conditions in future and remain present before the Court on each date of trial of this case. So, accused no.7 has prayed to grant the application.

03. The Ld. APP Mr. Salvi has filed his say and resisted the application. He has contended in his reply that accused no.7 remained absent for trial of this case since long intentionally. The accused no.7

has not produced death certificates of his relatives to show that his relatives died within last few days. So, the reasons in the application are not satisfactory. So, application may be rejected.

04. Ld. Adv. Mr, Parkar has argued for accused no.7 that due to the death of Grand-mother and brother of accused no.7 within last few days, accused no.7 could not remain present before the Court for trial of case. The accused no.7 is local resident and his family depends upon him for livelihood. The accused no.7 is ready to obey all conditions which may be imposed upon him in case of grant of application. So, he has prayed to grant the application.

05. Ld. APP Mr. Salvi has argued that the reasons mentioned in the application are not satisfactory and accused no.7 remained absent for trial of case intentionally. So he has prayed to reject the application of accused no.7.

06. The accused no.7 was released on bail initially in this trial on execution of PR bond of Rs.15,000/- and SB of like amount. The person by name Pratik Shashikant Sawant remained surety to accused no.7 in this case. But, since last many dates accused no.7 remained absent before the Court for trial of case and so NBW was issued against him. The police of Ratnagiri City Police Station arrested accused no. 7 in execution of NBW and produced before this Court today with report at Exh. No.117. The notice is also served over surety of accused no.7 vide Exh.No.119 and surety has not appeared before the Court today. Considering these facts, it is clear that accused no.7 has breached his bail bond.

07. The accused no.7 is local resident and young person. The family of accused no.7 may depend upon him for livelihood. Considering the

reasons mentioned in application and age of accused no.7 as well as family depend upon him, it is proper to release accused no. 7 on fresh bail subject to depositing penalty of Rs.15,000/- for breach of his previous PR bond in this case. Hence, application of accused no.7 deserves to be allowed accordingly. Hence, I pass following order.

ORDER

1. The application is allowed subject to payment of penalty of Rs.15,000/- (Rs. Fifteen Thousand only) by accused no.7 for breach of his previous PR bond in this case due to his arrest in execution of NBW.
2. The accused no.7 is released on fresh bail on execution of his PR bond of Rs.20,000/-(Rs. Twenty Thousand only) and SB of like amount subject to compliance of condition mentioned above.
3. Inform the Jail Supretendent, Special Jail Ratnagiri accordingly by e-mail forthwith.
4. The copy of order be served upon accused no.7 free of cost.

Date : 01/12 /2025

(Samir G. Baokar)
Adhoc District Judge - 1
Ratnagiri.

CERTIFICATE

I affirm that the contents of this pdf file order are same words as per original order.

Name of Stenographer	: A.A. Shivalkar
Court Name	: Adhoc District Judge - 1,Ratnagiri
Date of Order	: 01/12/2025
Order Signed by P.O. on	: 01/12/2025
Order uploaded on	: 01/12/2025