

MHRT130000252026

**ORDER BELOW EXH.1 IN REGULAR BAIL APPLN. NO.03/2026**

(Passed on 01.04.2026)

1. The present application is filed by the applicant/accused No.2 under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking bail in Crime No. 29/2023 at Chiplun Police Station registered for the offences punishable under sections 420, 463, 465, 473, 477A r/w 34 of the Indian Penal Code, 1860, against him.

2. It is submitted by applicant/accused No.2 that he has no concern with the alleged offence and has been falsely implicated in this case. The present application is his first bail application before this Court. According to the applicant/accused, there is no prima facie involvement of applicant/accused in this crime. The applicant/accused is studied upto 8th standard and appointed in PWD Chiplun as Chowkidar and he does not have knowledge of english language and computer, therefore it is not possible to commit the alleged offence at his hands. It is further submitted that the FIR reflects that only allegation levelled against the applicant/accused that he has given only photo-stat of the service book to the complainant. However the complainant has not given any other strong document of service book and also has not raised objection with the senior officer regarding appointment during his service period therefore the complaint itself appears to

be doubtful.

3. It is further submitted that the punishment provided for the offences which may extend to seven years. The applicant/accused is in Jail since 34 months. There is no recovery at the instance of applicant/accused. On the contrary the complainant was arrested in CR No.379/2022 and found his active participation that an amount of Rs.12,43,000/- has been credited on his account from the account of PWD Chiplun and he has used the said amount for his personal benefit. It is further submitted that after credited of amount it was necessary for the complainant to go to his superior authority to make inquiry about credited amount in his account and accordingly he has used the said amount for his personal benefit therefore he has been arrested in that offence. The applicant/accused is only earning member of his family and he has mother, wife and son which are facing problems due to the custody of applicant/accused in jail. The applicant/accused is ready to abide all conditions imposed by this Court. On all these grounds the Ld.Counsel prayed for allowing bail application.

4. The application is strongly objected by Ld.APP and adopted the say filed by Investigating officer vide Exh.5. It is submitted by Ld.APP that another offence vide CR No.379/2022 for the offence punishable under section 420 of IPC against the applicant/accused No.2 as he was transferred an amount of Rs.15,00,000/- in the bank account of complainant as remuneration. In that case during investigation the applicant/accused has not cooperated the Investigating Officer therefore an amount of Rs.15,00,000/- could not be recovered at

the instance of present applicant/accused. In such circumstances if he is released on bail then he may abscond and termpaer the evidence of prosecution. On all these grounds the Ld.APP has prayed for rejection of bail application.

5. In view of submission of both parties following points arise for my determination and I have recorded my findings thereon for the reasons stated below.

	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether applicant/accused No.2 is entitled for bail as sought for?	In the affirmative.
2.	What order?	As per final order.

REASONS

AS TO POINT NOS.1 AND 2

6. Heard Ld.APP and Ld. Counsel for the applicant/accused. Perused documents produced on record by the applicant/accused vide Exh.3.

7. Having regard to the arguments advanced by Ld. Counsel of both parties and taking into consideration the attending circumstances of the case it is very much clear that on the basis of complaint filed by the informant Rajanish Rajendra Takale crime No.29/2023 has been registered at Chiplun Police Station for the offences punishable under sections 420, 463, 465, 473, 477A of the Indian Penal Code 1860 against the accused persons including applicant/accused No.2. It is matter of record that on time to time the applicant/accused No.2 remanded into PCR and then taken into MCR. While arguing the case the Ld. Counsel of applicant/accused brought to the notice of this Court that after MCR of applicant/accused No.2, he has moved application before Ld.JMFC,

Chiplun which came to be rejected on 02.09.2024. It is further submitted that the complainant has caused delay in filing the complaint and such delay has not been explained. Till date the Investigating Officer has not called the report of the handwriting expert regarding appointment letters and service books given to the complainant. It is further submitted that the complainant has studied M.S.Agric. and was working in Mumbai. However after receiving appointment letter the complainant has not inquired with his superior officer in respect of his appointment letter and service book therefore the said complaint has been lodged only for his defence. The investigation of this crime has been completed and chargesheet has been submitted in the Court.

8. In the light of above discussion and considering the relevant documents as well as circumstances on record at this juncture I would like to take recourse of observation of Hon'ble Supreme Court in case of Maulana Mohammad Amir Rashdi Vs. State of U.P. and another reported in 2012 DGLS (Supreme Court) 35 in which it is observed that,

“Principles qua grant or refusal of the bail application. The Court has to see relevant factors including criminal antecedents and nature and gravity of the offence. The Court is duty bound to see the role of accused, his involvement in the case in which he has been charged and other circumstances, such as the possibility of fleeing away from the jurisdiction of the Court if released on bail.”

9. In view of above proposition of law and considering the circumstances on record I found that while

deciding the bail application the Court has to see the relevant factors including criminal antecedent and nature & gravity of offence. As such the Ld. Counsel put emphasis on the fact that the investigation of this crime has been completed and the chargesheet has been submitted in the Court. It has also pointed out that the punishment provided for the offences levelled against the applicant/accused is not more than seven years. Admittedly Ld.APP could not brought on record any circumstance to keep the applicant/accused behind the bars for endless time. On the contrary, it is seen from the record that chargesheet has been filed and applicant/accused and he is ready to abide condition imposed by this Court. Therefore considering overall circumstances on record I am inclined to allow application and proceed to pass following order.

ORDER

1. The bail application is allowed.
2. Applicant/accused Jeevan Maruti Khandjode be released on bail in connection with CR No.29/2023 registered at Chiplun Police Station, on executing PR & SB. of Rs.60,000/- (Rs. Sixty Thousands Only) with one solvent surety in the like amount on following conditions;
 - (a) He shall remain present before the Court for trial on each & every date failing which bail granted to him will be cancelled.
 - (b) He shall not to tamper the evidence of prosecution and shall not pressurize the prosecution witnesses.

- (c) He shall not to make any inducement, threat or promise to the First Informant or any of the prosecution witnesses so as to dissuade his from disclosing any fact to the police officer or the Court.
 - (d) He shall submit his recent contact number and permanent address to the Investigating Officer and to this Court also.
 - (e) He shall not leave Ratnagiri District without prior permission of this Court.
3. Inform concerned accordingly.

(Pronounced in the Open Court.)

Chiplun

Date: 01.04.2026

(Dr. Anita S. Newase)

Additional Sessions Judge,Chiplun

CERTIFICATE

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

Case No.	RBA 03/2026 (Exh.1)
Name of Court	Additional Sessions Judge, Chiplun
Name of Stenographer	Mr. Sandeep S. Patil
Dictation on computer by P.O.on	01.04.2026
Order signed by P.O.on	02.04.2026
Order uploaded on	02.04.2026