

CNR No. MHRT130013792020

IN THE COURT OF ADDL. SESSIONS JUDGE, CHIPLUN

(Presided over by N.S.Momin, Addl. Sessions Judge, Chiplun)

Session Case No. 6/2020

State of Maharashtra

) Prosecution

Versus

Sahil Ajamat Kalsekar

) Accused.

Order Below Exh. 52

(Dictated and delivered in open Court on 10.12.2021)

1. Present application has been filed by accused under Section 439 of the Code of Criminal Procedure, in crime registered with Chiplun Police Station vide C.R.No. 72/2012 for offence punishable under Section 307, 324, 352, 506 of the Indian Penal Code and Section 5 r.w. 27 of Arms Act.

2. In short, it is the case of prosecution that on 16.06.2012 at about 13.30 hours quarrel took place between the driver of one ST bus running Chiplun-Dondwali-Gangarai and one Indica Car at Kondye Tal. Chiplun. Informant Raviraj Chandrakant Nalawade settled the said dispute. On account of it, quarrel took place between informant Raviraj and accused and the accused threatened to kill him. When the informant was proceeding to lodge complaint, the accused came on one Pulsor Motor cycle and assaulted him by one sword on hand, back and head and caused life threatening injuries. On the basis of complaint lodged by informant, this offence came to be registered against the accused and he is in jail since 08.03.2016.

3. Perused the application and say filed by Ld. APP for State. Heard Ld. Advocate Shri. S. D. Tawade for the accused and Ld. APP Shri. P.R. Salvi for the State. Perused the charge-sheet and the record. In the case of ***Sanjay Chandra Vs. CBI, (2011 ALL SCR 2930)***, relied upon by Ld. advocate for accused, it is held by the Hon'ble Supreme Court that, bail is the rule and committal to jail is an exception. It is further held that bail can not be denied merely because of sentiments of community against the accused. In the light of ratio laid down in the aforesaid authority cited supra, I have perused the record.

4. It is pertinent to note that, the accused is a convicted offender in another crime and he is serving sentence in jail. Accused was on bail in this crime. Subsequently, he was called by my learned predecessor on production warrant and taken in judicial custody on 08.03.2016. Since 08.03.2016, the accused is in jail in this crime. Although charge has been framed in this case on 11.07.2016, but, till this date, the muddemal property has not been deposited by the prosecution. Inspite of issuance of letter, the concerned police station has not deposited muddemal in this Court also. Presently the accused is lodged in Nagpur Central Jail. In the absence of muddemal property, the trial can not proceed.

5. As already pointed out, the accused is in jail in this crime since last 5 and 1/2 years. Trial has not began. Under such circumstances, no purpose would be served in keeping the accused behind bar in this crime. Trial will take its own time. Accused is permanent resident of Chiplun. So there is no question of absconding. So far all the objections raised by the prosecution is

concerned, the same can be taken care of by imposing appropriate condition. Therefore, this application deserves to be allowed. Resultantly the following order.

ORDER

1. Application Exh. 52 is allowed.
2. Accused be released on bail on furnishing personal bond of Rs. 15,000/- with one solvent surety in like amount on condition to attend the trial on fixed date regularly.

Date :- 10.12.2021.

**(N. S. Momin)
Addl. Sessions Judge, Chiplun**

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

Case Number		Session Case No. 6/2020 Order below Exh. 52
Name of Stenographer	:-	Sou. P. S. Lad
Name of Court	:-	Addl. Sessions Judge, Chiplun
Date of Decision	:-	10.12.2021
Order signed by the P.O. on	:-	10.12.2021
Order uploaded on	:-	13.12.2021