

Order on Exh. 13 in Sessions Case No.7/2021

1. The advocate for applicants not pressed present application through endorsement in the margin of application. The prosecution objected application on the count that the endorsement not bears justified reason for not pressing application.
2. Heard Adv. A.A. Shaikh for applicants and APP R.V. Desai for State.
3. On perusal of application more particularly, the marginal note of advocate for applicants, it is observed, the applicants intend to not to proceed with the said application. No doubt, the applicants/accused not mentioned reason for not pressing application in the application but in oral submission advocate Shaikh for applicants submitted that technical mistake appears in application due to which the applicants intend to not press application.
4. It is observed, the applicants intend not to proceed with the application for technical ground, then the application required to be filed without passing order on merits. Similarly, the prosecution will not cause harm if the application filed. Hence order.:-

-:-ORDER -:-

1. The application at Exh.13 is hereby filed as same is not pressed by applicants.
2. Accordingly, the application Exh.13 is hereby disposed of.

Date:- 17/05/2022
Time 3.25 p.m.

(S.V. Hande)
Sessions Judge,
Sindhudurg-Oros.

Order on Exh. 14 in Sessions Case No.7/2021

The present application preferred by Applicant/Accused No.1 Kustan @ Babusha Ashish Fernandes for regular bail on the ground that, his the mother is bed-ridden, he could not attend the court for want of information of date and ready to attend the date of present case in future and ready to abide each and every condition.

2. The prosecution objected the application on the count that, the offence is serious one and no documentary evidence filed on the record, accused deliberately remained absent in the court, due to which the accused is not entitled for bail.

3. Heard Adv. A.A. Shaikh for Applicant/accused No.1 and APP R.V. Desai for State.

4. On perusal of bail application, say of prosecution on backside of bail application and after considering oral submissions of both side advocates, the following points arise for the determination on which the Court answer thereon with reasons as follows.:

Sr. No.	POINTS	FINDINGS.
1)	Whether applicant accused proves case for release on bail in Sawantwadi Cr. No. 189/ 2020	..In the affirmative subject to conditions.
2)	What order ?	..As per final order.

--: R E A S O N S :-

As to Point No.1:-

5. The applicant accused came with the case that accused is not aware of the date of the case and he was prevented due to illness of mother of accused No.1 and he is ready to attend the court without fail.

6. On perusal of record of the case it is observed that accused released on the bail on 06/06/2020. The accused remained absent since from 25/02/2021 till-today. It is also observed that accused produced before the court in execution of "NBW".

7. It is also observed that the progress in the case could not took place for want of presence of accused. At the same time it is observed that the accused came with the case that his mother is bed-ridden. The learned Advocate for

applicant orally submitted that the applicant could not produce documentary evidence of mother of accused as he was arrested by police unexpectedly and ready to produce the documents on next date. The said submission on behalf of applicant found bonafide as he himself suggested condition to produce the said medical certificate within stipulated period even on tomorrow. No doubt, the applicant remained absent for number of dates, it is also observed, his advocate Dingankar expired due to Covid-19 in last year, then probability of unawareness of date by applicant could not be ruled out. At the outset of these circumstances, the court hereby conclude the applicant proved case grant of bail subject to condition. Hence Court answer point No.1 in the affirmative subject to condition.

As to Point No.2:-

8. As the court concluded the applicant/accused proved case for his release on bail, therefore applicant/accused is required to be released on execution of P.R. bond of Rs. 15,000/- and furnish surety of like amount with conditions that the applicant/accused No.1 shall attend the court regularly on each date of hearing of the case, the applicant/accused No.1 shall not pressurize the prosecution witnesses in the present case, the applicant/accused No.1 shall produce medical certificate of his mother on or before 21/05/2022. Hence order.:-

:-O R D E R :-

- 1) The application is allowed.
- 2) The Applicant/Accused No.1 Kustan @ Babusha Ashish Fernandes be release on bail on his executing P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount on following conditions:-
 - a) The applicant/accused No.1 shall attend the court regularly on each date of hearing of the case.
 - b) The applicant/accused No.1 shall not pressurize the prosecution witnesses in the present case.
 - C) The applicant/accused No.1 shall produce medical certificate of his mother on or before **21/05/2022**.
 - D) The breach of the condition will lead ground for cancellation of bail.

(Dictated and pronounced in open court.)

Date:-17/05/2022

(S.V. Hande)
Sessions Judge,
Sindhudurg-Oros.

Order on Exh. 15 in Sessions Case No.7/2021

The present application preferred by Applicant/Accused No.3 Prachi Prashant Haldankar for regular bail on the ground that, her daughter Ms. Bhumi of 6 yrs old lonely staying and she could not attend the court for want of information of date and ready to attend the date of present case in future and ready to abide each and every condition.

2. The prosecution objected the application on the count that, the offence is serious one and no documentary evidence filed on the record, accused deliberately remained absent in the court, due to which the accused is not entitled for bail.

3. Heard Adv. A.A. Shaikh for Applicant/accused No.3 and APP R.V. Desai for State.

4. On perusal of bail application, say of prosecution on backside of bail application and after considering oral submissions of both side advocates, the following points arise for the determination on which the Court answer thereon with reasons as follows.:

Sr. No.	POINTS	FINDINGS.
1)	Whether applicant accused proves case for release on bail in Sawantwadi Cr. No.189/ 2020?	..In the affirmative subject to conditions.
2)	What order ?	..As per final order.

-:- R E A S O N S -:-

As to Point No.1:-

5. The applicant accused came with the case that accused is not aware of the date of the case and she was prevented due to duty of parental care of her daughter and she is ready to attend the court without fail.

6. On perusal of record of the case it is observed that accused released on the bail on 06/06/2020. The accused remained absent since from 25/02/2021 till-today. It is also observed that accused produced before the court in execution of "NBW".

7. It is also observed that the progress in the case could not took place for want of presence of accused. At the same time it is observed that the accused came with the case that she required to look after her minor daughter. The learned Advocate for applicant orally submitted that the applicant could not produce

documentary evidence about her daughter as she was arrested by police unexpectedly and she is ready to produce the documents on next date even on tomorrow. The said submission of applicant found bonafide as she herself suggested condition to produce the proof of her daughter within stipulated period even on tomorrow. No doubt, the applicant remained absent for number of dates, it is also observed, her advocate Dingankar expired due to Covid-19 in last year, then probability of unawareness of date by applicant could not be ruled out. At the outset of these circumstances, the court hereby conclude the applicant proved case grant of bail subject to condition. Hence Court answer **point No.1 in the affirmative subject to condition.**

As to Point No.2:-

8. As the court concluded the applicant/accused No.3 proved case for her release on bail on condition, then applicant/accused No.3 is required to be released on execution of P.R. bond of Rs. 15,000/- and furnish surety of like amount and on conditions that the applicant/accused No.3 shall attend the court regularly on each date of hearing of the case, the applicant/Accused No.3 shall not pressurize the prosecution witnesses in the present case and the applicant/accused No.3 shall produce proof of her daughter on or before 21/05/2022 in the interest of justice. Hence order.:-

-:-O R D E R -:-

- 1) The application is allowed.
- 2) The Applicant/Accused No.3 Prachi Prashant Haldankar be release on bail on her executing P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount on following conditions:-
 - a) The applicant/accused No.3 shall attend the court regularly on each date of hearing of the case.
 - b) The applicant/Accused No.3 shall not pressurize the prosecution witnesses in the present case.
 - C) The applicant/accused No.3 shall produce documentary proof of her daughter Bhumi on or before **21/05/2022.**
 - D) The breach of the condition will lead ground for cancellation of bail.

(Dictated and pronounced in open court.)

Date:-17/05/2022

(S.V. Hande)
Sessions Judge,
Sindhudurg-Oros.

Order on Exh.16 in Sessions Case No.7/2021

The present application preferred by Applicant/Accused No.1 for release on cash security on the ground that, surety could not be managed on today. The prosecution objected the application on the ground that the offence is serious one and possibility of absconding can not be ruled out.

2. Heard Adv. A.A. Shaikh for applicant/accused and APP Konghe on behalf of APP R.V. Desai on behalf of State.

3. In the present case the applicant/accused No.1 is arrested in execution of "NBW" . It is also observed that accused shown willingness to deposit cash security of Rs. 15,000/- then for limited period the applicant can be released on cash security. Hence order.:-

-:-O R D E R -:-

1. The applicant/accused No.1 be released on deposit of cash security of Rs. 15,000/- on condition that, applicant shall furnish surety on or before 21/05/2022.

2. Accordingly, the application is hereby disposed of.

Date:-17/05/2022

(S.V. Hande)
Sessions Judge,
Sindhudurg-Oros.

Order on Exh.17 in Sessions Case No.7/2021

The present application preferred by Applicant/Accused No.3 for release on cash security on the ground that, surety could not be managed on today. The prosecution objected the application on the ground that the offence is serious one and possibility of absconding can not be ruled out.

2. Heard Adv. A.A. Shaikh for applicant/accused No.3 and APP Konghe on behalf of APP R.V. Desai on behalf of State.

3. In the present case the applicant/accused No.3 is arrested in execution of "NBW" . It is also observed that accused shown willingness to deposit cash security of Rs. 15,000/- then for limited period the applicant can be released on cash security. Hence order.:-

-:-ORDER-:-

1. The applicant/accused No.3 be released on deposit of cash security of Rs. 15,000/- on condition that, applicant shall furnish surety on or before 21/05/2022.
2. Accordingly, the application is hereby disposed of.

Date:-17/05/2022

(S.V. Hande)
Sessions Judge,
Sindhudurg-Oros.