

MHSN03-001383-2025



ORDER BELOW EXH.22 IN R.C.C.No.280/2025
(State Vs. Mohammad Ramjan Samsher Khan & Anr)

The present application is filed by accused namely Mohammad Ramjan Samsher Khan to release him on bail for an offence punishable under Sections 420 r.w. 34 of the Indian Penal Code (for short the “IPC”).

2. Heard learned advocate for accused and learned A.P.P. Read the application, say of A.P.P.

3. It is submitted on behalf of the accused that, the present accused is in judicial custody since long duration. The investigation officer herein has filed the charge-sheet on 08.04.2025 and the matter has been transferred to this Court on 12.06.2025. Since then the accused is in judicial custody of this Court. The Court has framed charge on 07.08.2025 and since then, matter is fixed for prosecution evidence. However, there is no progress in the matter. This has caused infringement of constitutional rights of accused. Accordingly, accused prayed for releasing him on bail.

4. Learned A.P.P. filed his reply at Exh.23. According to learned A.P.P., the present accused, in order to cause himself wrongful gain, has misappropriated the total amount of Rs.46,93,000/- with the aid of absconded accused Mushtak Samsher Khan. Accused is original resident of Hyderabad. If bail is granted then possibility of him fleeing from justice cannot be denied. The money misappropriated is a public money and it will be difficult to recover if accused gets absconded. The earlier application of accused for bail at Exh.9 has been rejected and since then

there is no change in circumstances. Accordingly, learned A.P.P. prayed for rejection of application.

5. Perused the record. Heard learned advocate for accused and learned A.P.P. It reveals that, the offence leveled against accused is punishable U/Sec.420 r.w. Section 34 of the I.P.C. The alleged offence leveled against the accused is cognizable and non-bailable in nature. It is alleged by the prosecution that, the present accused in order to cause himself wrongful gain has misappropriated the total amount of Rs.46,93,000/- with the aid of absconded accused Mushtak Samsher Khan. At the same time, as mentioned by learned Advocate for accused, the accused is looking to be arrested on 13.02.2025 and produced before jurisdictional Magistrate on 14.02.2025. Since then, accused is in judicial custody. This Court has framed charge vide Exh.20 on 07.08.2025. However, no improvement is looking in that regard. The alleged offence is against property and hence, very serious in nature. As mentioned by learned A.P.P. from the charge-sheet the assumption about involvement of public money can be made. Moreover, the accused is a resident of distant place. While proceeding the trial, these facts cannot be ignored. However, looking at the period undergone by accused in custody is also a huge one. Since 07.08.2025, the steps have been taken to expedite the matter, but nothing fruitful has come on record. Looking at the contents of charge-sheet, it occurs that, the trial will not conclude within 60 days as mentioned in Section 480 of BNSS. The right to personal liberty is a fundamental right enshrined in constitution. Even if, accused is a resident of Hyderabad, but his presence can be secured by imposing sufficient conditions. Therefore, looking at the period already undergone in custody by accused, I deem it proper to release him on bail subject to below mentioned conditions. Accordingly, I pass following order.

ORDER

1. The application is allowed.
2. The accused is released on bail on furnishing of P. R. bond of Rs.50,000/- with one solvent local surety in the like amount.
3. The accused is directed not to hamper or tamper the prosecution evidence.
4. He is directed to furnish his permanent address proof.
5. He is directed to furnish a list of at least 3 blood relatives with their detail residential addresses and also the addresses of their place of work as mentioned in Para 12 Chapter I of Criminal Manual.
6. Both the accused and sureties are directed to inform the police station as well as Court the change of their residential address as mentioned in Para 12 Chapter I of Criminal Manual.
7. He is further directed to report once in three months to the concerned police station and to the Court as mentioned in Para 12 Chapter I of Criminal Manual.
8. He is also directed to furnish his voter I.D. Card issued by the Election Commission of India as mentioned in Para 12 Chapter I of Criminal Manual.
9. Prosecution is at liberty to take appropriate steps in case of breach conditions by the accused.
10. This order be communicated to accused through jail authorities and Hon'ble D.L.S.A.

Date :25.09.2025
Sangli

(Onkar S. Shastri)
Judicial Magistrate, F.C., Sangli.
(Court No.5)