

MHSN040003322019



Order below exh. 9 in Sessions Case No.37/2019

State of Maharashtra

...Complainant

-:Versus :-

Suraj Sarjerao Dabade & ors.

...Respondent.

1] Accused Nos. 1 to 4 have filed this application for grant of bail under Section 439 of the Code of Criminal Procedure in C.R. No.20/2018 of Shirala police station for the offences punishable under Section 395, 397, 341, 506 r.w. 34 of Indian Penal Code. They were arrested on 03/04/2018 and thereafter they were remanded to magisterial custody.

2] It is the case of prosecution that, on 03/03/2018 at about 12.30 a.m. informant Shivaji Raghunath Madane was proceeding on his motorcycle from Sunanda Milk Dairy Shirala to his house at village Rethare Dharan after his duty was over. At that time accused Nos. 1 to 4 and two child in conflict with law came on three motorcycles from his back side and wrongfully restrained him. They have threatened to kill him by raising sword on his person and assaulting by means of stone. They have conjointly committed robbery of mobile phone, helmet, chappel, jerkin, ATM card, driving license, phone diary, petrol in the motorcycle and its key and cash amount of Rs. 1,500/- of informant. Therefore, informant lodged report.

3] The learned advocate for accused submitted that they are falsely implicated in this crime. There is no direct, indirect and circumstantial

evidence against the accused. General and vague allegations are made against the accused. Accused Nos. 1 and 3 are labourers and accused Nos. 2 and 4 are agriculturists. They are law abiding persons. They are not likely to flee from justice, if released on bail. Therefore, accused prayed for grant of bail.

4] The learned A.P.P. resisted application by filing say (Exh.10) stating therein that alleged offence is of serious nature. There is possibility of tampering of evidence and pressurizing of informant and witnesses by the accused, if released on bail. It will become difficult to secure the presence of accused if they will be released on bail. There is prima facie material on record against them. Hence, learned A.P.P. prayed for rejection of application.

5] Perused the application and say of ld. A.P.P. Heard advocate for the accused and Learned A.P.P. for the State.

6] On perusal of record, it reveals that investigation is completed and charge sheet came to be filed in the Court. It appears from the record that accused are having permanent residence at the address mentioned in the application. It appears from record that accused are the only earning members of their family. Their family members are dependent upon them. It appears from record that there is no material evidence on record which indicates that accused will flee from justice, if released on bail. There is no material on record to show that accused will use their liberty to subvert justice or tamper with the evidence. It prima facie appears from record that there is no reasonable apprehension of tampering with the witnesses.

7] In the circumstances of the case in my opinion, no purpose will be served by further detaining accused in jail. The apprehension of the Investigating Officer, can be met by imposing certain conditions on the accused. Considering the above reasons, accused are entitled for grant of bail with certain conditions. Hence, I proceed to pass the following order :-

ORDER

1. Application is allowed.
2. Accused Nos. (1) Suraj Sarjerao Dabade, (2) Omkar Mahesh Suryawanshi, (3) Govind Vasant Mali and (4) Viraj Ganesh Karande in C.R.No. 20/2018 of Shirala Police Station, be released on bail on their executing P. R. Bond of Rs. 50,000/-(Rs. Fifty Thousand only) each with surety in like amount for the offences punishable under section 395, 397, 341, 506 r.w. 34 of Indian Penal Code.
3. Accused Nos. 1 to 4 shall not in any manner either intimidate or influence witnesses or tamper with the evidence or pressurize informant.
4. Accused Nos. 1 to 4 shall not contact the informant or witnesses in any manner.
5. Failure thereof shall result in giving right to the prosecution to move for cancellation of the bail.

Date : 14/03/2023.

(Rajshri P. Pardeshi)
Additional Sessions Judge,
Islampur

CERTIFICATE

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

Name of the Stenographer	:	Shri. B.M. Patil (Steno- Grade I)
Court Name	:	Dist. Judge – 2 & Addl. Sessions Judge, Islampur.
Date of Order	:	14/03/2023
Signed by P.O. on	:	14/03/2023
Uploaded on	:	15/03/2023