

CNRNO.MHSN090003082023



ORDER BELOW APPLICATION EXH.62 IN R.C.C.NO.45/2023

FOR BAIL

State of Maharashtra vs. Rama Vasant Chouogule & Etc.

This is an application moved by the accused No.4 Amit Sanjay Chavan under Section 437 of the Code of Criminal Procedure (for short Cr.P.C.) seeking bail. It is alleged that, the accused along with other accused have committed the offences under Section 420 r.w. Sec 34 of the Indian Penal Code (for short I.P.C.).

2] In this background, the matter was fixed for hearing. However, the accused failed to remain present on the date fixed for hearing. Therefore, the court issued warrant against the accused. In execution of warrant accused is arrested and he is taken into MCR on 19.02.2024. However, it is contended that, the accused has not intentionally remained absent. He is sole earning member of his family. He was not aware about the date fixed for hearing. Further it is contended that, he is permanent resident of Kavathe-Mahankal. He is ready to furnish fresh surety and abide any conditions imposed on him. Hence, prayed for bail. He also assured that, he will remain present henceforth.

3] The say of learned APP was called. Learned APP has strongly resisted this application on the ground that accused remained absent on the date fixed for hearing. Therefore, NBW was issued. Considering the

conduct of the accused, there is possibility of absconding of the accused which will result in prolonging the trial. Hence, it is prayed that application may be rejected.

4] Heard both the sides.

5] I have perused the charge-sheet coupled with F.I.R. and record. It appears that accused was present till 02.12.2023. Thereafter, he was absent only on last date. Due to absence of the accused trial has been prolonged. However, merely accused was absent on the date fixed for trial will be no ground to keep the accused behind the bar, the accused had assured that he will remain present henceforth. He is also ready to abide all the conditions. The reasons mentioned in the application for his absence are justifiable, the accused is permanent resident of Kavathe-Mahankal, Dist. Sangli. Therefore, I am not inclined to detain the accused in the jail.

6] As far as, apprehension in the mind of learned APP, stringent conditions will serve the purpose. In turn, I pass following order.

ORDER

The accused No.4 shall be released on bail on executing personal bond of Rs.20,000/- and one surety in the like amount by accused on following conditions -

- a) He shall not remain absent on the date for hearing ;
- b) He shall produce his address proof.

Tasgaon

Date: 20.02.2024

Sd/...
(Dhanashree A. Darveshi)

I/c Judicial Magistrate First Class,
Tasgaon.

