

Order below Exh.3 in Special Case (Atrocity) No.32/2023

This application is filed by applicant / accused requesting to release her on bail. Say is filed by APP / complainant vide Exh.4. Written argument is also filed below Exh.20 along with affidavits of Rupali Gaikwad and Onkar Mahajan.

2 Heard both sides. It is submitted by learned advocate for accused that the accused is ready to furnish the regular bail. The charge-sheet is submitted and investigation is completed.

3 On the other hand learned APP submitted that the notice is issued to the accused u/sec.41(A) of Cr. P.C. The accused has committed breach of conditions in bail order in Special Case No.41/2022. If the accused is released on bail, she can again commit such type of offence. On the other hand, it is submitted on behalf of complainant vide Exh.20 that conditional bail was granted in Special Case No.41/2022. Anticipatory bail was granted by the Court by ignoring special provisions of the Act. It is further contended that the accused committed repeated offence. The accused is habitual offender and bail cannot be granted to habitual offender.

4 I have gone through the record. The FIR bearing No.549/2023 is registered against the accused. Notice u/sec.41(A) of Cr.P.C. was issued to the accused. Another offence, bearing No.739/2022 was registered against the accused in which she was released on anticipatory bail. Now, it is the contention of learned APP that she has committed breach of the conditions in Anticipatory Bail order and therefore, being habitual offender cannot be released on bail. Considering the submissions, I have gone through the entire record. The investigation is completed in the present case and charge-sheet is submitted, therefore, it is not required to keep the accused behind the bars. The procedure was followed by issuing notice u/sec.41(A) of Cr.P.C. When the charge-sheet is submitted and the

investigation is completed, it would not be justified to reject the bail application. Granting of anticipatory bail in another case and breach of conditions as alleged relates to that particular case. It can be a separate issue to decide as to whether in that particular offence/case the accused had committed breach of conditions. In the present case, when the investigation is completed and the charge-sheet is submitted, there is no reason to reject the bail application. I am not agree with the submissions of learned APP and complainant with the grounds to reject the bail application. Hence, I am inclined to grant this application and proceed to pass following order.

ORDER

- 1 The application Exh.3 is allowed.
- 2 The applicant / accused Prajakta Bhanudas More is hereby released on bail by executing PR. bond of Rs.50,000/- with surety in the like amount.
- 3 Application is disposed off.

Date : 09.09.2024

(D. N. Surwase)
Special Judge, Pandharpur

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

- a) Name of the Stenographer : S. A. B. Shaikh, Steno. Grade - I
- b) Court : Additional Sessions Judge, Pandharpur
- c) Date of Order : 09.09.2024
- d) Order signed by the : 09.09.2024
Presiding Officer on
- e) Order uploaded on : 12.09.2024