M.P.ID. No. 1/2016.

ORDER BELOW EXH.100

1] This is the second bail application filed by Prakash Sitaram Jadhav under section 439 of the Code of Criminal Procedure.

2] He has filed this application in the said case and the present accused is in jail since 2016. The Crime Number is 415/2015 registered with Satara City Police Station and the offences are punishable under section 420 r/w 34 of IPC and Section 3 & 4 of M.P.I.D. Act. The date of offence is in between 2011 to 2015 and the date of arrest is 10-11-2015. It shows that since 2015 the accused persons are behind the bars.

3] She has stated in the application that the applicant is an innocent person and he has not committed any offence. He has been falsely implicated in this case. The prosecution has alleged that the accused has established the company namely 'Dolphin' Abodes Pvt. Ltd. and since 2011 they collected cash from various people by assuring them double profit in their investment. He has not committed any offence. He has been arrested on 10-11-2015 and remanded in M.C.R. i.e. 23-11-2015 and since M.C.R. he is in jail. The investigation has been completed. The charge-sheet has been filed. The charge has been framed and at present the trial is also going on.

4] The trial will take much time. There are many witnesses in this case. The accused is from Satara. He will abide by the conditions imposed by the Court. He will co-operate with the Court and will remain present on each and every date. He is ready and wiling to furnish the solvent surety. He will not jump the bail and will not pressurize the witnesses.

5] Accused no.2 Vaishali Prakash Jadhav is suffering from high blood pressure and she is having a son who is staying alone in the house and nobody is there to look after him. The small boy is staying alone and she does not have earning source. Therefore, she prayed that she be released on bail.

6] Seen the say filed by the Ld. APP. He has stated that the bail application is strongly opposed. There is no cogent evidence supporting to the reason stated in the application. The Hon'ble High Court has directed that the substantial evidence is to be completed within 6 months. Taking into consideration the nature of financial offence prosecution has made every endeavour to complete the substantial evidence in the present case by examining in all 15 witnesses. Therefore, prayed that the application be rejected.

7] I have heard both the Advocates at length. It appears to me that the present accused has been arrested along with her husband Prakash Jadhav in the year 2015 and since then she is in jail along with her husband. She is having a son aged 14-15 years and he alone is residing since 2015 till date. In this case the charge has been framed and till today 15 witnesses have been examined. In this case number of other witnesses are to be examined. On each day 2 or 3 witnesses are examined. So in my opinion, it will take long time to finish the matter. The applicant is a lady. Her first bail application has been rejected on 16-6-2016. One year has been passed and thereafter this is the second bail application filed by accused no.2. Vaishali Sitaram Jadhav.

8] Within a period of 1 month only 15 witnesses have been examined by the prosecution and there are number of witnesses in this case which are remained to be examined. Keeping in mind that Vaishali Jadhav is having one son who is staying alone in their house and he is aged 13-14 years and releasing accused Vaishali on bail will be just and

proper. Therefore, I am of the considered opinion that the bail application of accused no.2 Vaishali Jadhav is liable to be allowed. Hence I proceed to pass the following order :-

ORDER

1] The bail application is allowed.

2] Accused no.2 Vaishali Prakash Jadhav is released on bail on furnishing P.R. Bond of Rs. 50,000/- along with one solvent surety in the like amount on the following terms and conditions :-

(1) She shall attend the Court on each and every date.

(2) She should co-operate the Court for completion of the matter within a short time.

(3) If she remains absent the Court will cancel her bail.

(N.K.Chavan)
Special Judge and
Additional Sessions Judge,
SATARA.

23rd June, 2017