

ORDER BELOW EXH.114 IN M.P.ID. No. 1/2016.

1] Perused an application filed by accused No. 1 Prakash Sitaram Jadhav. He has stated that the co-accused Vaishali Prakash Jadhav has been released on bail on 27/06/2017. In this matter 16 witnesses have been examined by the prosecution and number of witnesses are yet to be examined and that will take much time. Since 2 years the accused is in jail.

2] He has stated that no evidence against the accused has been revealed from the evidence of the witnesses examined by the prosecution. Even in the M.P.I.D. No. 1/2017 all the accused have been released on bail and in previous case one accused person has been released on bail and this is accused no. 1 in old case. The case which is pending will take much time and since 2 years he is behind the bar. So, on the parity ground he has prayed for releasing him on bail.

3] Seen the say filed by the Ld. APP. He has stated that the bail application is strongly opposed. There is no cogent evidence supporting the reason stated in the application. In the bail application before the Hon'ble High Court, the Hon'ble High Court directed that the substantial evidence recorded within 6 months otherwise the applicant accused would be at liberty to renew the prayer for bail. Merely the Hon'ble High Court has directed liberty to leave the prayer for bail it does not mean that the applicant accused is entitled for bail as of right or on the ground of parity taking into consideration the nature of financial offence prosecution has made every endeavour to complete the substantial evidence in the present case by examining number of material witnesses. Learned A.P.P. further stated that, the accused applicant will be definitely abscond if he is released on bail. Number of cases are filed against accused in different courts. Therefore, prayed that the application be rejected.

4] I have heard both the Advocates at length. It appears to me that in the said crime already accused no. 2 has been released on bail on certain terms and

conditions. This accused is in the jail since 2 years and only 16 witnesses have been examined by the prosecution and number of witnesses are yet to be examined and that will take much time. Accused person is attending the Court from the jail on each and every date. Since 2 years he is behind the bar and now the charge sheet has been filed and partly evidence has been recorded.

5] So, it appears that, his further detention in the jail is not required. He is released on bail in another case. His wife is also indulged in the same crime. The applicant is having one son who is staying alone in their house and it appears that he is approximately aged 14-15 years. So, in order to take welfare of the child who is aged 14-15 years, releasing accused on bail will be just and proper. The proceeding is going on and the prosecution will examine the witnesses. So, in the peculiar facts and circumstances of the case, I am of the considered opinion that the bail application of accused no.1 Prakash Jadhav is liable to be allowed. Hence, I proceed to pass the following order :-

ORDER

1] The bail application is allowed.

2] Accused no.1 Prakash Sitaram 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) He shall attend the Court on each and every date.

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

(3) If he remains absent the Court will cancel his bail.

Sd/-
(N.K.Chavan)

Special Judge and Additional Sessions Judge,
SATARA.

24th July, 2017