

ORDER BELOW EXH. 3

(Anil @ Dadya Ramdas Pawar Vs. The State of Maharashtra)

1. Heard Ld. Adv. Shri. M. S. Godse for accused, Ld. A.P.P. Smt. G. M. Lakade for State. Perused application, say and record.
2. Accused filed this application U/s. 439 of Cr.P.C. in C.R. No.189/2018 registered at Lohamarg Miraj Police Station, for the offences P/u/s. 395, 379 & 356 of I.P.C.
3. According to the accused, he is innocent and falsely implicated in this case. He is permanent resident of given address and doing labour work there. There is no recovery or discovery from him. Sufficient police custody of him was granted. Now, charge-sheet is filed. There are contradiction in the statement of witnesses. If, he is released, he is ready to abide all the conditions. So, his application be allowed.
4. Prosecution filed say below Exh.4 and objected the application. According to it, the offences are serious, non bailable and sever punishment is provided. There is sufficient evidence against accused. He is habitual offender and also convicted in one case. If, he released, he may tamper evidence or he may abscond. Therefore, application be rejected.

5. Ld. Adv. Shri.Godse for accused submitted that, muddemal is completely recovered. Accused is in jail since nine months. There are no eye witness to the case. Simply because accused transferred from one case to another on suspicion, it is shown that so many cases are registered against him. He is innocent. It will take time for trial. So, he be released on bail.

6. Ld. A.P.P. Smt. Lakade objected this strongly. Submitting that, there are chances of his absconding.

7. Now, record shows that, in this Court itself there are four cases committed against this accused in different crimes. In the present case there are allegation of committing dacoity in the train. Muddemal is recovered from this accused only. Other accused are absconding. Releasing of accused will result into his absconding again. Now, charge-sheet is filed and case is committed. So, trial can be expedite. But, if accused is released it is difficult to resume trial. Hence, following order is passed.

: ORDER :

Application is rejected.

Date : 07-07-2022

**Kamala V. Bora,
Addl. Sessions Judge, Satara.**