

Sessions Case No. 7/2016
Order on Bail application Exh.43

Heard :-

Learned Advocate Mr. Taksande for the applicant.

Learned PP Mr. G.V. Takwale for the State.

1. The accused/applicant has filed this application purportedly under section 439 of Cr.P.C. on the ground that he was previously released on bail by the court, however, he could not remain present since he was in jail in another offence. Therefore, an NBW came to be issued against him and he came to be arrested again.
2. It is submitted by learned Adv. Mr. Taksande that the accused was behind bars in criminal case no. 107/2017 (under section 307 IPC as well as other sections) which is now pending before DJ-1, Wardha. He could not attend the court dates because he was in jail. He is ready to abide by the terms and conditions imposed by the court.
3. Per contra, learned PP Mr. Takwale has opposed the application on the ground that the applicant should have filed an exemption application even when he was in jail. If he is released on bail, he may again be unavailable for trial.
4. Although applicant was in jail, however, he was duty-bound not to commit any offence while on bail. The applicant has thus clearly breached the terms implicit in the order while granting bail. In view thereof, I am inclined to allow the application subject to the following terms and conditions only.

Order

- 1] The application Exh.43 is allowed.
- 2] Applicant Akshay @ Chikya Manohar Kambale be released on bail by executing P.R. and S.B. of ₹30,000/- with one local solvent surety of like amount.
- 3] The applicant shall not directly or indirectly, make any inducement, threat or promises to any person acquainted with the facts of accusation, so as to dissuade him/her from disclosing such facts to the Court or to the police officer and shall not tamper with the prosecution evidence in any manner.
- 4] The applicant shall not commit any further offence failing which his bail shall stand cancelled.
- 5] The applicant shall attend all court dates regularly.
- 6] The applicant shall not leave the jurisdiction of this court without prior permission thereof.
- 7] The applicant is duty bound to inform the I.O. and the court about his change of address, if any.
- 8] The applicant shall furnish residence and ID proof of two blood relatives to the I.O.

Wardha
Dt.-08/06/2018

(Mridula V.K.Bhatia)
District Judge-3 and
Addl. Sessions Judge, Wardha.