

IN THE COURT OF SESSIONS JUDGE, WASHIM.

Order Below Exh. 97
(Dated 10/06/2025)

- 1) The present application preferred by the applicant/accused No. 3 Islam Kha Shaikh Akhatar for regular bail on the ground that the accused went out of station for labour work due to which, the accused could not attend the Court and his absence resulted into his arrest in execution of NBW, the applicant/accused is ready to abide each and every condition put by this Court and the applicant is breadwinner of his family.
- 2) The prosecution objected the application by giving say on back page of first page of application on the ground that the accused continuously remained absent since his bail, the trial is prolonging due to absence of accused.
- 3) Heard Adv. Mr. Parvez Akhatar for the applicant/accused and APP Mr. A. R. Vyawahare for the State at length.
- 4) On perusal of bail application, say of the prosecution and after considering oral submissions of both sides advocates, following points arise for the determination of the Court on which the Court answered thereon with the reasons as follows.

Sr. No.	Points	Findings
1)	Whether the applicants/accused proves the case for grant of bail in Malegaon police station crime No. 239/2021 registered under sections 307, 341 r/w section 34 of IPC on the ground that the applicant is ready to abide each and every condition put by this	In the affirmative subject to conditions.

	Court and he will remain present on fixed date in the Court, as he was out of station for labour work ?	
2)	What order ?	As per final order.

REASONS

As to Point No. 1 -

5) The applicant came with the case that he went out of station for labour work, he could not remain present in the Court on fixed date due to which NBW was issued against him and executed. It is further case of the applicant/accused that he is ready to abide each and every condition put by this Court and will remain present in the Court.

6) On perusal of record of the case, it is observed that the applicant/accused used to remain absent in the Court on fixed date may be due to his job at out station. It is also observed that the applicant did not obtain permission before going out of station for job. Previously also NBW was issued which was cancelled by the Court on relying words by the accused.

7) In the present case progress of the case is stopped due to absence of accused, but it does not lead detention of accused in the jail and some alternative arrangement which compell the accused to remain present in the Court on fixed date of the case required to be adopted. Hence, the Court conclude that the applicant/accused proved the case for grant of bail but subject to condition. Hence, **the Court answered point No. 1 in the affirmative but subject to conditions.**

As to Point No. 2

8) As the Court concluded that the applicant succeeded to prove

the case for grant of bail, but subject to conditions, then the applicant shall release on execution of PR bond of Rs. 25,000/- with one solvent surety in the like amount and shall deposit cash security of Rs. 5,000/- and to remain present in the Court on each and every fixed date of the case and absence of accused for a single date, the cash security deposited by the accused shall be forfeited, not to leave jurisdiction of this Court without prior permission of the Court, the applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence, the applicant shall not enter at place of residence of informant or prosecution witnesses till completion of the trial and shall not contact with the prosecution witnesses connected with the present case shall require to be imposed on the said applicant and the application shall be allowed, in the interest of justice. Hence, the order -

ORDER

- 1) The bail application of applicant/accused No. 3 Islam Kha Shaikh Akhatar at Exh. 97 is hereby allowed, subject to conditions.
- 2) The applicant/accused No. 3 Islam Kha Shaikh Akhatar shall release on bail in connection with crime No. 239/2021 of Malegaon police station (ST No. 102/2021) registered under sections 307, 341 r/w section 34 of IPC on his executing PR bond of Rs. 25,000/- (Rupees twenty five thousand only) with one solvent surety in the like amount and cash security of Rs. 5,000/- (Rupees five thousand only) on following conditions.

- 3) The applicant shall remain present in the Court on each and every date without fail and absence of accused for a single fixed date of the case, the cash security deposited by the accused shall be forfeited.
- 4) The applicant shall not to leave jurisdiction of this Court without prior permission of the Court.
- 5) The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- 6) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- 7) The applicant shall not enter at place of residence of informant or prosecution witnesses till completion of the trial and shall not contact with the prosecution witnesses connected with the present case.
- 8) If there is breach of any of the terms and conditions, the bail will be automatically liable to be cancelled.
- 9) Bail before this Court.
- 10) Inform to Malegaon Police Station and Central Jail, Washim accordingly.
- 11) Accordingly, the application stands disposed of.

Washim.
Date: 10/06/2025.

(S. V. Hande)
Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word, as per the original judgment/order.

Name of Stenographer :- A. W. Ajmire, Stenographer (Grade-II)

Name of Court :- Principal District & Sessions Judge,
Washim, Dist. Washim.

Date of Judgment/ Order :- 10/06/2025

Judgment/Order signed by :- 11/06/2025
the Presiding Officer on

Judgment/Order uploaded on :- 12/06/2025