

IN THE COURT OF SESSIONS JUDGE, WASHIM.

Order Below Exh. 108
(Dated 25/06/2025)

- 1) The present application preferred by the applicant/accused No. 2 Rushikesh Pralhad Kshirsagar for release on regular bail on the ground that the applicant required to go to to out of station for labour work and he had no idea about the next date, as he could not contacted to his advocate, due to which he remained absent and ultimately he was arrested in execution of NBW and sent in jail.
- 2) The prosecution objected the application on the ground that the accused has jumped the bail and due to absence of applicant/accused, trial is prolonging, if the applicant/accused is released on bail, then there is likeliness that he will again abscond.
- 3) Heard Adv. Mr. K. D. Chatarkar 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 given on back page of the last page of the application, record of the case 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 No. 2 Rushikesh Pralhad Kshirsagar 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 he is breadwinner of his	In the affirmative subject to conditions.

	family, he is ready to abide each and every condition and his absence in the Court due to unavoidable circumstances ?	
2)	What order ?	As per final order.

REASONS

As to Point No. 1 -

5) The applicant came with the case that he is required to go to out of station for labour work, he could not attend the Court as he was unable to communicate with his advocate and as a result, he was arrested in execution of NBW issued against him. It is further case of the applicant that he is ready to abide each and every condition including regular present on fixed date of the case in future and he is breadwinner of his family.

6) On perusal of record of the case, it is observed that the applicant was remained absent for considerable period, due to which, this Court issued warrant against the applicant/accused which is executed by the police. It is also observed that there are three accused, one accused is Islam Kha Shaikh Akhtar who was also brought in execution of NBW and released on previous date on bail along-with condition to deposit Rs. 5,000/-.

7) It is also observed that the present applicant/accused also sailing in the same boat, as the applicant was also arrested in execution of NBW. The detention of applicant for period of two months are sufficient to give indirect understanding to the applicant that he should remain present on fixed date. The absence of accused can be avoided by way of searching job within vicinity of Washim, as he is labour and he can get job easily

within vicinity of Washim, if he searched, therefore, his absence as he was going to go to out of station is not justified reason because he did not obtained previous permission of this Court.

8) Apart from that, if the presence of applicant can be secured by way of imposing stringent conditions while releasing on bail. Hence, the Court hereby conclude that the applicant/accused proves the case for grant of bail and **hence, the Court answered point No. 1 in the affirmative, subject to conditions.**

As to Point No. 2

9) 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. 2 Rushikesh Pralhad Kshirsagar at Exh. 108 is hereby allowed, subject to conditions.
- 2) The applicant/accused No. 2 Rushikesh Pralhad Kshirsagar, aged about 25 years, R/o. Shelu fata, Malegaon, Dist. Washim 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: 25/06/2025.

(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 :- 25/06/2025

Judgment/Order signed by :- 26/06/2025
the Presiding Officer on

Judgment/Order uploaded on :- 27/06/2025