

IN THE SESSIONS COURT AT YAVATMAL.**S.T. No.66/2012.****Applicant : Nana @ Prathmesh Ankush Rode.****ORDER BELOW EXHIBIT 88.**

This is an application under Section 439 of the Cr.P.C. for grant of bail. The accused is facing trial under Sections 452 and 307 r/w Section 34 of the IPC. As he was absent for a considerable period, hence this Court issued non-bailable warrant and in consequence of said Non-bailable warrant, the applicant produced before this Court on 21/06/2018 and since then he is in custody. Hence, he filed the instant applications for bail.

2] Perused application, reply of prosecution at Exh.89 and the record. Heard the learned Advocate Shri Tagale for applicant and the learned Public Prosecutor Smt. N.N.Dave.

3] From the record it appears that the applicant was absent since long, hence non-bailable warrant issued against him. The said non-bailable warrant i.e. Exh.85 came to be executed and the accused is produced before othis Court on 21/06/2018 and he was taken into custody. However, from the report on Exh.85 itself it reveals that the accused was in custody in S.T.No.21/2017, therefore I find substance in the contention of learned advocate for accused that the accused was in custody in another crime, hence he could not appear before this Court. The applicant is ready to abide by all the terms and conditions as may be imposed upon him. He is also ready to attend the trial regularly. In this case there are total three accused, but one of the accused is irregular and he is not attending the trial since long. Though, charge is already framed,

but due to absence of accused, the trial could not proceed further. The applicant is resident of Yavatmal district having roots in the community. Hence, I inclined to allow the application. So far as apprehension of prosecution in respect of abscondance of accused is concerned, in my opinion the presence of accused can be secured by imposing severe conditions. Thus, considering all these aspects, in my opinion the applicant deserves to be released on bail. Hence, I pass following order.

O R D E R

- [i] The applications (Exh.88) is allowed.**
- [ii] The applicant be released on P.B. and S.B. of Rs.25,000/- (Rs. Twenty Five Thousand only).**
- [iii] The applicant shall not tamper the prosecution evidence in any manner.**
- [iv] The applicant shall not misuse the liberty granted to him in any manner.**

Yavatmal.
Dated : 21/11/2019

(T. S. Akali)
Additional Sessions Judge, Yavatmal.